University of Alberta

PEACEKEEPING AND INTERNAL CONFLICTS:

THE UNITED NATIONS IN CAMBODIA, SOMALIA, AND BOSNIA

by

DUANE BRATT ©

A thesis submitted to the Faculty of Graduate Studies and
Research in partial fulfillment of the requirements for the
degree of Doctor of Philosophy.

in

Department of Political Science

Edmonton, Alberta, Canada
Fall 1996

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ISBN 0-612-18022-0

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Degree: Doctor of Philosophy

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Duane Bratt

Duane Bratt
G11404 Elbow Dr. SW
Calgary, AB, Canada
T2W-2E6

Oct 4, 1996

UNIVERSITY OF ALBERTA

FACULTY OF GRADUATE STUDIES AND RESEARCH

The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled: **Peacekeeping and Internal Conflicts: The United Nations in Cambodia, Somalia, and Bosnia** submitted by **Duane T. Bratt** in partial fulfillment of the requirements for the degree of DOCTOR OF PHILOSOPHY.

Dr. T. Keating (Supervisor)

Dr.J. Lejnieks

Dr. M. Zimmer

R MacLeod

Dr. Roderick MacLeod, History&Classics

Ned Jordan for JTJ

Dr. J. T. Jockel, St Lawrence University

26 September 1996

Date

DEDICATION

This dissertation could not have been finished without the emotional support provided by my wife, Teresa Bratt. Teresa has always had faith in my abilities, even when I was overcome with self-doubt. It was during those moments that she convinced me that I had something to offer, and not to let people, or events, get me down.

The family atmosphere that Teresa, as well as our children Christopher and Dorothy, has given me has allowed me to put my work in perspective. At no time was this more present than when Teresa almost died giving birth to Dorothy. This event provided me with a stark reminder about the fragility of human life, which may have been absent from my earlier writing. In my desire to remain detached from the conflicts that I was studying, I may have forgotten that I was writing about life and death of individuals. It is my hope that this dissertation represents a commitment to intellectual honesty, but that it also contains a strong dose of humanity. If I have succeeded in this respect, the credit is due as much to Teresa as it is to Duane.

ABSTRACT

This dissertation determines whether it is desirable or feasible for UN peacekeeping to be used in instances of internal conflicts. This debate has been centred on three distinct levels: what is permissible under international law, different conceptions of morality, and the institutional capability of the UN. This dissertation argues that recent peacekeeping operations in internal conflicts have been influenced by, and in turn influenced, the debate over state sovereignty and UN intervention.

This study is divided into three parts. Part One, which includes Chapters 1-3, performs the dual role of an introduction to the study and a conceptualization of its theoretical framework. Chapter 2 produces a literature review on the legal, moral, and institutional arguments over UN peacekeeping in internal conflicts. Chapter 3 develops criteria to assess the effectiveness of peacekeeping operations using four indicators: mandate performance, facilitating conflict resolution, conflict containment, and limiting casualties.

Part Two, which includes Chapters 4-6, studies the operations in Cambodia, Somalia, and Bosnia. Each case shows the development of the operation, assesses each operation's effectiveness, and explains each operation's effectiveness.

Part Three ends the dissertation by providing two distinct concluding chapters. Chapter 7 argues that an effective UN peacekeeping operation in an internal conflict requires six conditions: the existence of a Comprehensive Settlement Agreement; the consent and co-operation of the parties to the conflict; P-5

support; US support; regional power support; and adherence to the traditional principles of peacekeeping (consent, impartiality, and limited use of force).

Chapter 8 determines that peacekeeping in internal conflicts is now legally permissible due to the UN Security Council's willingness to authorize operations under Chapter VII of the UN Charter, and to give peacekeepers' mandates which contain functions that were formerly in the exclusive domain of states. On the moral side, it is argued, based on an examination of six issues (the UN's obligation to resolve internal conflict, the politics of humanitarian assistance, dealing with war criminals, peacekeeping as imperialism, choosing peacekeeping operations, and peacekeeping behaviour), that there is no moral certainty to the use of peacekeepers in internal conflicts. Finally, due to the issues of the quick deployment of peacekeepers, logistical support, command and control, training and equipment, and communications, the UN lacks the institutional capability to intervene in most types of internal conflicts effectively.

ACKNOWLEDGEMENTS

This dissertation could not have been completed without the assistance and support of many people. First of all, I would like to thank Prof. Tom Keating for his fine job of supervising my dissertation. During my years at the University of Alberta, Prof. Keating was a very busy man. He was Chair of the Department of Political Science, and was also supervising several other graduate students. Nevertheless, he always had time for me, particularly during the gruelling period of my candidacy exams when he maintained confidence in me. His thoughtful suggestions and comments are reflected in the structure of this dissertation as well as the links that are made between empiricism and theory. In short, I deeply appreciate the guidance and support that Prof. Keating provided.

I would also like to acknowledge the other members of my dissertation committee: Prof. Juris Lejnieks who went through several drafts and continually forced me to defend my arguments; Prof. Matthias Zimmer who provided a distinct non-North American viewpoint which will serve me well as I try to publish this manuscript; Prof. Roderick MacLeod and Prof. Fred Judson who acted as effective editors; and Prof. Joseph Jockel, my external examiner, who wrote a very encouraging report of my study. I would be remiss if I did not also acknowledge Prof. Morris Maduro who stepped in at the last moment to sit on my candidacy committee which allowed me the opportunity to progress to this stage.

A major part of my research occurred during the two weeks that I spent in New York in November 1994. I would like to thank

the officials at the following United Nations agencies for allowing me to interview them regarding their perspective on various aspects of peacekeeping: the Department of Peacekeeping Operations, the Department of Humanitarian Assistance, and the High Commissioner for Refugees. I would also like to thank the officials from the country missions of Canada, United States, United Kingdom, Bosnia and Herzegovina, and Germany for providing me with a portion of their valuable time. Finally, I could not have managed this trip without the financial support, in the way of travel assistance, contained in the J. Gordin Kaplan Graduate Student Award.

There are also certain colleagues of mine at the University of Alberta I would like to single out: Floyd McCormick, Gunhild Hoogensen, Chris Kukucha, and Pat Wilson. I thoroughly enjoyed the intellectual fencing that went on among us. The fact that many of these occasions were marked by social activities made them that much more enjoyable.

Last, but definitely not least, I would like to acknowledge the support that I received on the home front. My wife, Teresa, was a constant source of emotional support. My children, Chris and Dorothy, tended to forgive my not infrequent moments of frustration. They also helped me place my work in perspective through their interest in more mundane things like eating and having a clean diaper. My inlaws, Jim and Geraldine Campbell, also aided my work through such thankless tasks as babysitting and computer support. Finally, my family back east --- my Mom, and my brothers Kevin and Brian --- tried to stay abreast of my work, and provided encouragement as I struggled towards my objective.

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LIST OF ACRONYMS

ANC	Armée Nationale Congolaise
ASEAN	Association of South-East Asian Nations
BBGNU	Broad-based Government of National Unity
BLDP	Buddhist Liberal Democratic Party
CGDK	Coalition Government of Democratic Kampuchea
CIS	Commonwealth of Independent States
CPP	Cambodian People's Party
CSA	Comprehensive Settlement Agreement
CSCE	Conference on Security and Cooperation in Europe
D^3	Deter, Dissuade, and Deny
DOMREP	Mission of the Representative of the Secretary-General in the Dominican Republic
DPKO	Department of Peace-keeping Operations
DHA	Department of Humanitarian Affairs
EC	European Community
ECOWS	Economic Community of West African States
EU	European Union
FEER	Far Eastern Economic Review
FUNCINPEC	National Union Front for an Independent, Neutral, Peaceful and Cooperative Cambodia
GAO	General Accounting Office (United States)
GNP	Gross National Product
ICFY	International Conference on the Former Yugoslavia
ICORC	International Committee on the Reconstruction of Cambodia
ICRC	International Committee of the Red Cross
IFOR	Implementation Force
IPN	International Peacekeeping News
JIM	Jakarta Informal Meetings
JNA	Yugoslavia National Army
KPNLF	Khmer People's National Liberation Front
MINURSO	United Nations Mission for the Referendum in Western Sahara
MNF	Multinational Force
NATO	North Atlantic Treaty Organization
NGO	Nongovernmental Organization
OAS	Organization of American States
OAU	Organization of African Unity
ONUC	United Nations Operation in the Congo
ONUCA	United Nations Observer Group in Central America
ONUMOZ	United Nations Operation in Mozambique
ONUSAL	United Nations Observer Mission in El Salvador
OSCE	Organization on Security and Cooperation in Europe
P-5	Five Permanent Members of the United Nations Security Council

PCC	Paris Conference on Cambodia
PDD	Presidential Decision Directive
PKK	Kurdistan Workers Party
PIPA	Program on International Policy Attitudes
PRK	People's Republic of Kampuchea
QRF	Quick Reaction Force
RCAF	Royal Cambodian Armed Forces
RCG	Royal Cambodian Government
RGF	Rwandese Government Forces
ROE	Rules of Engagement
RPF	Rwandan Patriotic Force
RRF	Rapid Reaction Force
SDA	Somali Democratic Alliance
SGSR	Secretary-General's Special Representative
SNA	Somali National Alliance
SNC	Supreme National Council
SNM	Somali National Movement
SOC	State of Cambodia
SPM	Somali Patriotic Movement
SSDF	Somali Salvation Democratic Front
TNC	Transitional National Council
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
UNAMIC	United Nations Advance Mission in Cambodia
UNAMIR	United Nations Assistance Mission for Rwanda
UNASOG	United Nations Aouzou Strip Observer Group
UNAVEM	United Nations Angola Verification Mission
UNCO	United Nations Confidence Restoration Operation in Croatia
UNDOF	United Nations Disengagement Observer Force
UNEF	United Nations Emergency Force
UNFICYP	United Nations Force in Cyprus
UNGOMAP	United Nations Good Offices Mission in Afghanistan and Pakistan
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFIL	United Nations Interim Force in Lebanon
UNIIMOG	United Nations Iran-Iraq Military Observer Group
UNIKOM	United Nations Iraq-Kuwait Observation Mission
UNIPOM	United Nations India Pakistan Observer Mission
UNITAF	Unified Task Force
UNMIH	United Nations Mission in Haiti
UNMOGIP	United Nations Military Observer Group in India and Pakistan
UNMOP	United Nations Mission of Observers in Prevlaka

UNOGIL	United Nations Observation Group in Lebanon
UNOMIG	United Nations Observer Mission in Georgia
UNOMIL	United Nations Observer Mission in Liberia
UNOMUR	United Nations Observer Mission Uganda-Rwanda
UNOSOM	United Nations Operation in Somalia
UNPREDEP	United Nations Preventive Deployment Force in The Former Yugoslav Republic of Macedonia
UNPROFOR	United Nations Protection Force
UNSF	United Nations Security Force in West Guinea
UNSMIH	United Nations Support Mission in Haiti
UNTAC	United Nations Transitional Authority in Cambodia
UNTAG	United Nations Transition Assistance Group
UNTAES	United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium
UNTSO	United Nations Truce Supervision Organization
UNYOM	United Nations Yemen Observation Mission
US	United States
USC	United Somali Congress
USSR	Union of Soviet Socialist Republics
WFP	World Food Programme

CHAPTER ONE

INTRODUCTION

When Canadian Secretary of State for External Affairs Lester Pearson first suggested sending in a multinational force of armed military observers to help defuse the Suez Crisis in 1956 the concept of United Nations peacekeeping was invented.[1] Since that time, peacekeeping has become a useful measure for containing conflict by separating the warring parties and preventing the conflict from escalating. Yet the UN used peacekeeping sparingly. In the period 1945-1987, only 13 operations were established, and none after 1978 (see Appendix A).

The moratorium on the creation of peacekeeping operations ended in 1988 with the United Nations Transition Assistance Group (UNTAG) in Namibia. Since then, there has been a proliferation of peacekeeping with 30 new operations having been established (see Appendix B). This demand was caused by a convergence of factors. First, the end of the Cold War had three major impacts on the growth of peacekeeping: the weakening of many, formerly intractable, regional conflicts (like Cambodia, and El Salvador) which had been fought as proxy wars by the superpowers; the decline and collapse of two communist states, the USSR and Yugoslavia, which created many new conflicts; further, there was a greater willingness of the major powers to look to multilateral solutions, especially through the UN. This greater cooperation in the Security

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[1] The UN had established unarmed observers in Greece (1947), Israel (1948), and India-Pakistan (1949), but this was the first use of armed military personnel.

Council was best exhibited by the infrequent use of the veto. Second, and springing from the preceding factor, was the emergence of a widespread belief that the UN could, and should, play a greater role in the maintenance of international peace and security. This optimism sprang, in part, from the UN-authorized but US-led, coalition that fought the Gulf War. Indicative of this optimism was US President Bill Clinton who contended that "the role of the United Nations during the Gulf War was a vivid illustration of what is possible in a new era."[2] The Gulf War showed that the great powers were now capable of working in concert. This optimism was also exemplified in the new UN Secretary-General Boutros Boutros-Ghali's *An Agenda for Peace.*[3]

This proliferation has been a great drain on the UN's resources. Financially, peacekeeping costs have risen from approximately $200 million in 1987 to $3.6 billion in 1994 (all figures are in US$).[4] Even these numbers are small compared to the real cost of peacekeeping. This is because many operations have hidden costs which are incurred by the contributing states. There are also two cases, Cyprus and Bosnia, where peacekeeping operations were initially financed by the contributing countries and not by the UN's peacekeeping fund.[5] Militarily, UN troop deployments have risen from 9,570 in 1987 to 73,393 in 1994.[6] The growth in operations led the UN to establish a Department of Peacekeeping Operations (DPKO) in February 1992. Further evidence of the growth industry that peacekeeping has become is the fact that the DPKO offices are under constant construction due to departmental expansion.

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[2] Quoted in Charles William Maynes, "Containing Ethnic Conflict" Foreign Policy 90 (Spring 1993): 3.

[3] Boutros Boutros-Ghali, An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping (New York, 1992).

[4] United Nations, United Nations Peace-keeping Operations: Background Note (Dec 1994). For information on the financing of UN peacekeeping see Enid C.B. Schoettle, "Financing UN Peacekeeping" in John Roper, Masashi Nishihara, Olara A. Otunnu, and Schoettle Keeping the Peace in the Post-Cold War Era: Strengthening Multilateral Peacekeeping (New York, 1993) and William J. Durch, "Paying the Tab: Financial Crises" in Durch, ed.) The Evolution of UN Peacekeeping: Case Studies and Comparative Analysis (New York, 1993): 39-58.

In addition to the proliferation in the number of UN operations there is also evidence which suggests a qualitative change with increased emphasis on civil conflicts. Some may argue that UN peacekeeping "has hardly broken new ground by its recent internal emphasis."[7] It is true that the UN was involved in four internal conflicts prior to 1988, and two of these, Congo and Cyprus, were substantial undertakings. However, since 1988, internal conflicts have been the norm, rather than the exception. Of the 30 operations initiated since 1988, 23 have been deployed in internal conflicts. More significantly, there has been a qualitative change in the operations that the UN has conducted inside states. Traditionally, UN peacekeeping involved the interposition of a neutral force between two warring parties once a cease-fire had been agreed to. This entailed monitoring cease-fire agreements, supervising the withdrawal of foreign forces, and establishing and monitoring buffer zones. However, since 1988 the UN has been assigned new tasks which include: conducting elections; demobilizing troops; mine clearance; preventive deployments; assisting with the civil administration of sovereign states; monitoring human rights; repatriating refugees; protecting humanitarian convoys; assisting in civilian police functions; monitoring no-fly zones; and protecting designated "safe areas." These twin changes, quantitative and qualitative, are indicative of a transformation by the international community in their conception of what the UN could and should do.

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[5] The Cyprus operation was funded entirely by voluntary contributions from 1964 to 1993, when it reverted to the regular financing procedures. Bosnia was also funded by participating states until November 1992.

[6] UN, Background Note (Dec 1994).

[7] Alan James, "Internal Peacekeeping" in David A. Charters, ed.) Peacekeeping and the Challenge of Civil Conflict Resolution (Fredericton, NB, 1994): 4.

This expansion of UN peacekeeping has not been without controversy. The issue of whether it is either desirable or feasible for UN peacekeeping to be used in instances of civil strife has reignited the debate over state sovereignty and intervention. This debate has been fought on three levels: what is permissible under international law, different conceptions of morality, and the institutional capability of the UN. This dissertation will argue that recent peacekeeping operations in internal conflicts have been influenced by, and in turn influenced, this debate over state sovereignty and intervention. In particular, it will rely on case studies of the UN operations in Cambodia, Somalia, and Bosnia to demonstrate the impact that internal conflict peacekeeping has had on the concepts of state sovereignty and intervention.

In addition to this primary analytical objective, this study will also undertake to determine the effectiveness of UN peacekeeping in internal conflicts. For each case, the relevant factors and conditions which have enhanced and/or hindered the operation's performance will be identified. This will allow for a comparison across cases and lead to a general explanation of the performance of UN peacekeeping operations in internal conflicts.

DEFINING CONCEPTS

Prior to providing definitions of concepts, it is important to note that the UN is a political institution which was founded for the purpose of maintaining international peace and security. It is not a supranational body, but rather a servant of state interests. Thus, the UN Secretary-General and the Secretariat are international civil servants not directly accountable to national governments.

In the establishment of UN peacekeeping operations, the most important organ is the Security Council. The Security Council has five permanent members (P-5) --- China, France, Russia, United Kingdom, and the United States --- all of whom possess a veto on any substantial matter coming before the Council. Thus, the establishment of any peacekeeping operation can be opposed by any member of the P-5. Although the UN Secretariat advises the Security Council, influences the decision-making process, and manages the day-to-day routine of peacekeeping operations, in the final analysis, the Secretariat must implement the decisions reached by the Security Council.

Now that a brief description of the UN has taken place, the critical concepts of this study can be defined and explained. In particular, there are two key concepts, internal conflict and peacekeeping, which need further elaboration. In addition, each concept contains a subset of issues which will also need to be examined.

INTERNAL CONFLICT

The first key concept that needs to be defined is internal conflict. Most authors who study internal conflict spend their time categorizing rather than defining it.[8] When they do define it, most simply state that an internal, or civil, conflict "exists when a state is experiencing domestic unrest."[9] Nevertheless, there are some scholars who do try to be more systematic. For instance, Lori Damrosch has defined internal conflicts as those "in which the conflict is located primarily within the borders of an existing nation-state."[10] These can include "ethnic strife, overthrow of an established government, disintegration of civil order, interference with humanitarian relief efforts, and other violence occurring within a state."[11] David Forsythe, although preferring to use the term local conflict, uses the same definition.[12] Both Damrosch and Forsythe emphasize that using a geographical definition for internal/local conflict does not mean that there is not any involvement by outside states. Rather, their definition is based on the location of the conflict, not the actors.

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[8] See Linda B. Miller, World Order and Local Disorder: The United Nations and Internal Conflicts (Princeton, NJ, 1967): 4-7; Richard A. Falk, "Introduction" in Falk, ed.) The International Law of Civil War (Baltimore, 1971): 18-19.

[9] Anthony Clark Arend and Robert J. Beck, International Law and the Use of Force: Beyond the UN Charter Paradigm (London, 1993): 81.

However, the definition of an internal conflict should encompass more than just its locale. In particular, three additional variables must be added to produce a comprehensive definition. First, the parties to the conflict are primarily of local origin. Outside states may supply aid and covert support to one of the combatants, but there should be no overt intervention. For example, when the United Nations Transitional Authority in Cambodia (UNTAC) appeared, Cambodia was an internal conflict despite the fact that the Khmer Rouge received support from China, but it would have ceased being an internal conflict had Vietnam invaded again (even if the fighting remained solely on Cambodian soil). Second, the parties to the conflict are not all recognized state governments. For example, following the downfall of Siad Barre, Somalia had no recognized state government. Third, the objectives of the parties are confined primarily to intra-state affairs. For example, the primary objective of the Bosnian Serbs was to establish their own state, the Republika Srpska. Thus, the definition for internal conflict that will be used in this study is as follows: a conflict which is located primarily within the confines of a single state, where the parties are primarily of local origins, where the parties are not all recognized state governments, and the objectives are confined primarily to intra-state affairs.

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[10] Lori Fisler Damrosch, "Introduction" in Damrosch, ed.) Enforcing Restraint: Collective Intervention in Internal Conflicts (New York, 1993): 4-5.

[11] Ibid.

[12] David P. Forsythe, "United Nations Intervention in Conflict Situations Revisited: A Framework for Analysis" International Organization 23/1 (Winter 1969): 129-131.

The innate characteristics of an internal conflict create a unique challenge to solving them. The description that internal conflicts are "nasty, brutish, and long"[13] is apt. Stephen Stedman has argued that "today's civil wars should not be expected to be more amenable to negotiation; they will remain among the most difficult conflicts to settle politically."[14] It is more difficult to obtain a political settlement for an internal conflict than it is for an inter-state war because combatants in a civil war are less likely to compromise. There are several reasons for this. First, as James has asserted, "is the size of the prize: the seat of government, with all the power, perks, and prestige which that carries."[15] The second reason was explained by a Mission des Nations Unies pour le Referendum du Sahara Occidental (MINURSO) official describing previous elections in the Western Sahara, "in this place, if you lose, they hang you."[16] Third, in internal conflicts "there are frequently many warring parties rather than just two."[17] Finally, as Jockel has outlined

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[13] Laurence Martin, "Peacekeeping as a Growth Industry" The National Interest (Summer 1993): 7.

[14] Stephen John Stedman, "The New Interventionists" Foreign Affairs 72/2 (1992/93): 8.

> [i]n classical peacekeeping situations, disciplined national armed forces of the former belligerents, usually sovereign states, generally could be expected to respect both the negotiated truce and the peacekeeping forces sent to monitor compliance with it. Moreover, these national armed forces usually could be separated, returned to their national territories, and enjoined to remain within demarcation lines, often national boundaries.[18]

But in internal conflicts, "peacekeepers are often faced with unclear boundaries between belligerents, irregular forces outside central control, or some local participants in the conflict who have not agreed to the negotiated truce." These conditions will likely lead to increased violence as cease-fires are continually violated.[19]

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[15] Alan James, "Peacekeeping in the post-Cold War era" International Journal 50/2 (Spring 1995): 262.

[16] William J. Durch, "Building on Sand: UN Peacekeeping in the Western Sahara" International Security 17/4 (Spring 1993): 160.

[17] Thomas G. Weiss, "The United Nations and Civil Wars at the Dawn of the Twenty-First Century" in Weiss, ed.) The United Nations and Civil Wars (Boulder, Col, 1995): 196.

[18] Joseph T. Jockel, Canada and International Peacekeeping (Toronto, 1994): 4.

[19] Ibid.

A critical aspect of the concept of internal conflict for this study is how the UN handles them. Durch and Blechman argue that intervention in an internal conflict would be "a potential political minefield" for the UN.[20] In outlining the obstacles of internal conflicts, they state that "referenda have losers, as well as winners," and the losers may treat the UN as a hostile force, may question their impartiality, or may simply reject the negotiated settlement. Moreover, the UN must calculate the cost of an operation, the potential for UN casualties, and the possibility for success before its involvement in an internal conflict can be approved. Further

> [i]n few situations are the rights and wrongs sufficiently clear, the transgressions sufficiently transparent, and the excesses sufficiently brutal to shock the global conscience and permit the formation of the international consensus necessary for the United Nations to act. In fewer still will circumstances be sufficiently poignant for national leaders to willingly risk the lives of their citizens who would make up the UN forces.

Finally, if the UN did decide to authorize or organize humanitarian intervention, "it must also be prepared to field a follow-up mission to repair the damage done and to help the society get back on its feet, lest the old cycle repeat itself." This reconstruction would be very expensive and time-consuming, depending on the level of damage, country size, and operation length.

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[20] William J. Durch and Barry M. Blechman, Keeping the Peace: The United Nations in the Emerging World Order (Washington, 1992): 16-21.

Durch also warns that there is a danger that, if the conflict flares up again, and the UN is perceived as being biased, the peacekeepers could find themselves on one side of a shooting war. This could result in the UN being forced to choose between "ignominious withdrawal" or "onerous persistence... perhaps requiring coercive enforcement of a settlement."[21]

Specific types of peacekeeping operations in internal conflicts also contain unique difficulties. For example, the implementation of a comprehensive settlement agreement has three potential risks. First, the agreement may be superficial, and only appear to be a long-term political settlement. Second, the peacekeepers may not be able to demobilize the armed parties. Third, the settlement may break up after the UN's withdrawal.[22] There are also some unique problems that face the UN when it is deployed in support of humanitarian efforts. It will be difficult for the UN to remain impartial when it distributes aid. Each side will see the UN supporting their opponent by supplying it with humanitarian assistance. The warring factions may also perceive aid workers and convoys as a cover for intelligence gathering. Thus, humanitarian support, even if divorced from actual conflict resolution attempts, may still result in the UN being drawn into the conflict.[23]

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[21] William J. Durch, "Introduction" in The Evolution of UN Peacekeeping: 11.

[22] William J. Durch, "Getting Involved: The Political-Military Context" in The Evolution of UN Peacekeeping: 32-36.

PEACEKEEPING

The second concept that is critical to this study is peacekeeping. There is no mention of peacekeeping in the UN Charter. Peacekeeping has become a term that can be, and has been, applied to many different circumstances. Trying to pin down what it is exactly, and what it is not, can be very difficult. Former UN Secretary-General Dag Hammarskjold, in an attempt to place peacekeeping in a Charter perspective, referred to it as a "Chapter VI and a half" activity. There is not even agreement on the spelling. Is it peacekeeping, or peace-keeping? Peacekeeping has taken on so many different meanings that it has almost lost its usefulness as a analytical concept. As the US Defence Department noted, "there is no universally accepted definition of the term `peacekeeping.' The absence of one specific definition has resulted in the term being used to describe almost any type of behaviour intended to obtain what a particular nation regards as peace."[24] Without a strict definition the conceptual waters have become so muddy as to sometimes including peace enforcement operations and humanitarian interventions.

There is an opinion, however, that peacekeeping does not need to be strictly defined. By demanding a strict definition, the

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[23] James, "Internal Peacekeeping": 19.

[24] Quoted in Jockel: 6.

UN would be limited in what it could pursue under the umbrella of peacekeeping. Thus, the lack of definition in the Charter allows it to be flexible.[25] Nevertheless, for the purpose of this study a search will be undertaken to come up with a definition of peacekeeping which is both flexible and strict. It should be flexible enough to allow for different types of peace-keeping beyond interposition, but it should be tight enough to exclude wars which the UN authorized, but did not command and control, like Korea and the Gulf.

Academics have attempted to define peacekeeping. Some definitions are very simplistic, referring to peacekeeping as a synonym for "conflict management."[26] On the other hand, others have tried to be very systematic. The International Peace Academy, in its *Peacekeeper's Handbook*, defined peacekeeping as

> the prevention, containment, moderation and termination of hostilities between or within states, through the medium of a peaceful third party intervention organized and directed internationally, using multinational forces of soldiers, police and civilians to restore and maintain peace.[27]

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[25] Alan James is cited as endorsing this view in Robin Hay, Civilian Aspects of Peacekeeping Working Paper 36 (Ottawa, 1991): 3-4. For a similar opinion see Bruce Russett and James S. Sutterlin, "The U.N. in a New World Order" Foreign Affairs 70/2 (Spring 1991): 70.

[26] Forsythe: 118.

[27] International Peace Academy, Peacekeeper's Handbook (New York, 1984): 22. The same definition is used in Indar Jit Rikhye; Michael Harbottle; and Bjorn Egge, The Thin Blue Line: International Peacekeeping and its Future (New Haven, 1974): 11.

This is an improvement on the others, because it specifies intrastate conflict as well as interstate conflict. A similar approach, trying to take in the more recent changes in peacekeeping, was attempted by the journal *Peacekeeping and International Relations* which suggested that peacekeeping operations are

> actions designed to enhance international peace, security and stability which are authorized by competent national and international organizations and which are undertaken cooperatively by military, humanitarian, good governance, civilian police, and other interested agencies and groups.[28]

While these definitions meet our broadness criteria, they are not specific enough. Neither definition outlines the specific characteristics unique to a peacekeeping operation, states the tasks required of peacekeepers, nor excludes certain types of UN operations.

Contrary to most academic writing, the UN has tried to establish a more strict definition of peacekeeping, although even the UN community has yet to establish a definitive definition. *An Agenda for Peace* defined peacekeeping as

> the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace.[29]

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[28] Peacekeeping and International Relations (Sept-Oct 1993): 1.

[29] An Agenda for Peace: 11.

The novelty of this definition is in its use of the word "hitherto" when discussing consent. This issue of consent will be discussed below. As far as the rest of the definition goes, it is very broad. Almost any type of UN involvement could be classified as peacekeeping. Finally, it specifies neither the conduct of the peacekeepers, nor the types of tasks that they would be required to undertake.

The Blue Helmets, the UN's peacekeeping guide, defined peacekeeping operations as

> involving military personnel, but without enforcement powers, undertaken by the UN to help maintain or restore international peace and security in areas of conflict. These operations are voluntary and are based on consent and cooperation.... [achieving] their objectives not by force of arms, thus contrasting them with the "enforcement action" of the UN under Article 42.[30]

This definition improves upon Boutros-Ghali's because it explicitly rules out enforcement action. However, as in previous definitions, there is no mention of the specific characteristics of a peacekeeping operation, with the notable exception of consent.

Marrack Goulding, the former Under-Secretary-General for Peacekeeping Operations, basing his definition on the case record of peacekeeping, has defined it as

> [f]ield operations established by the United Nations, with the consent of the parties concerned, to help control and resolve conflicts between them, under United Nations command and control, at the expense collectively of the member states, and with military and other personnel and equipment provided

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[30] United Nations, The Blue Helmets: A Review of Peacekeeping Operations Second Edition (1990): 4-5.

> voluntarily by them, acting impartially between the parties and using force to the minimum extent necessary.[31]

This is a more comprehensive definition than the other ones cited due to the emphasis on collective financing, impartiality, and the minimum use of force.

However, in a direct acknowledgement of the evolution of peacekeeping, Goulding then identified six specific types of operations, many of which would not have met his earlier, classical, definition of peacekeeping. These operations included:

> 1) the preventive deployment of United Nations troops before a conflict has actually begun, at the request of one of the parties and on its territory only. (Macedonia)
> 2) traditional peacekeeping. (Egypt-Israel)
> 3) operations set up to support implementation of a comprehensive settlement which has already been agreed by the parties. (Namibia, Cambodia)
> 4) operations designed to protect the delivery of humanitarian relief supplies in conditions of continuing warfare. (Somalia)
> 5) the deployment of a United Nations force in a country where the institutions of state have largely collapsed. (Congo)
> 6) ceasefire enforcement which is essentially a forceful variant of the traditional peacekeeping. (Bosnia)[32]

To this list, Goulding added three sub-types to traditional peacekeeping: "unarmed military observer groups" (Kashmir); "armed infantry-based forces which are deployed in cases where the task is to control territory" (Cyprus); "and operations, armed or unarmed, which are established as an adjunct of, or sequel to, a peace enforcement operation" (Iraq-Kuwait).[33] Goulding's taxonomy reflects the new and innovative types of operations which have emerged under the rubric of peacekeeping.

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[31] Marrack Goulding, "The evolution of United Nations peacekeeping" International Affairs 69/3 (July 1993): 455.

[32] Ibid: 456-459.

Illustrative of the evolutionary nature of peacekeeping was that, two years later, another senior UN peacekeeping official, Shashi Tharoor, added an additional peacekeeping task to Goulding's list. The new activity that Tharoor identified was conflict-mitigation, i.e.

> deploying UN peacekeepers tasked to mitigate an ongoing conflict by limiting the parties' recourse to certain military means or to attacks upon certain cities, in both cases backed by the threat of military force provided by a regional security organisation.[34]

Although Tharoor developed this term with respect to Bosnia (the development of no-fly-zones and safe areas enforced by NATO), he noted that conflict-mitigation was also performed by the Opération des Nations Unies au Congo (ONUC) and the United Nations Interim Force in Lebanon (UNIFIL).[35]

Alan James also developed a typology of operations which highlights the wide range of missions which can be conducted in the name of peacekeeping. James' list, while excluding both peace enforcement and humanitarian intervention, allows for the following:

1) self-determination (New Guinea);
2) ending intervention (Dominican Republic);

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[33] Ibid: 457.

[34] Shashi Tharoor, "United Nations Peacekeeping in Europe" Survival 37/2 (Summer 1995): 122.

[35] Ibid: 133 (n2).

3) national reconciliation (El Salvador);
4) holding the political ring (Somalia);
5) restoring order (the Congo); and
6) humanitarian assistance (Bosnia).[36]

The qualitative changes that have occurred since 1988 to peacekeeping operations have led other observers to suggest that perhaps new terminology is needed. Thus, such terms have been suggested as "second generation multinational operations,"[37] "multifunctional,"[38] "wider peacekeeping,"[39] and "aggravated peacekeeping."[40] All of these terms emphasize the newness of the current state of peacekeeping.

However, is a distinction really needed between traditional/classical peacekeeping and second generation/ multifunctional/wider/aggravated peacekeeping? There is a certain overlap between the two in many areas, especially in the conduct and tasks required of peacekeepers. Operations in Cambodia, Somalia, and Bosnia have many new facets to them, but there are also many commonalities with previous operations. Thus, a better solution is to combine Goulding's definition of classical peacekeeping, which defines the traditional components of peacekeeping, with his, and others' (Tharoor and James), taxonomy which provides for a range of operations.

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[36] James, "Internal Peacekeeping:" 8-13.

[37] John Mackinlay and Jaret Chopra, A Draft Concept of Second Generation Multinational Operations (Providence, RI, 1993).

[38] John Mackinlay, "Improving Multifunctional Forces" Survival 36/3 (Autumn 1994): 149-173.

[39] Quoted in Charles Dobbie, "A Concept for Post-Cold War Peacekeeping" Survival 36/3 (Autumn 1994): 122.

[40] George Mason University, Program on Peacekeeping Policy, "Collected Definitions" [http://ralph.gmu.edu/cfpa/peace/definitions/def_toc.html] 1994.

While it is useful to define peacekeeping by identifying the types of operations, it is important to define and explain its key principles. Goulding's five established principles of peacekeeping include: being organized and authorized by the United Nations, having the consent of the parties concerned, acting impartially, being provided with sufficient military and financial resources by member states, and minimum use of force.[41] In many of the recent operations, including the ones examined in this study, some of these principles have been stretched and even violated. Thus, the purpose of this section is to examine the original rationale for each of these concepts, and to explore their usefulness for more demanding peacekeeping operations. Since the concepts of consent, impartiality, and minimum use of force are the ones currently under siege, they are the concepts that will be explored more fully.

i) Consent

First, a peacekeeping operation must have the consent of all the significant parties involved in the conflict. Durch defined consent as "the agreement of a host government to a UN mission's presence."[42] This definition meets the legal requirement for UN involvement in a sovereign state. However, it also assumes that a state has effective control of its territory, a difficult proposition in cases of internal conflict. As Berdal noted, the target state "although receptive to the interposition of a peacekeeping force [is] rarely in complete control of the territory and population in the area of deployment."[43] Durch also warns that

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[41] Goulding: 453-455.

[42] William J. Durch, "Introduction" in The Evolution of UN Peacekeeping: 5.

> some factions within the host country, including armed elements, may object to that presence, and on occasion peacekeepers may need to use force as a last resort to defend themselves or restore order to a deteriorating field situation.[44]

Moreover, in cases of civil war sovereignty is in dispute. By adhering to the principle of consent from the sovereign state, the UN must choose among several contenders for that sovereignty. Since the struggle for sovereignty is the essence of civil wars, the selection may alienate the other parties who are fighting for control of the country and they may consider the peacekeepers illegitimate and interventionary. Clearly, a more inclusive definition of consent is needed for peacekeeping operations. Thus, consent will be defined here as the agreement of *all* of the significant parties to a conflict.

Consent is not only an important characteristic of peacekeeping, it is also the distinguishing feature which "separates peacekeeping and peace-enforcement."[45] The importance of consent for peacekeeping operations cannot be overstated. As *The Blue Helmets* pointed out

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[43] Mats R. Berdal, Whither UN Peacekeeping? Adelphi Paper 281 (Oct 1993): 10.

[44] Durch, "Introduction:" 5.

[45] Dobbie: 122.

> consent is required not only for the operation's establishment but also, in broad terms, for the way in which it will carry out its mandate. The parties are also consulted about the countries which will contribute troops to the operation.[46]

As was alluded to earlier, in spite of the obvious importance of consent, it can become very problematic in internal conflicts. Even when the UN receives the consent of the principal parties there remain various militias and paramilitary groups "who appear to owe allegiance to no recognized political authority with whom an agreement can be negotiated."[47] For example, UNIFIL was confronted with a variety of Lebanese and non-Lebanese militias who answered to no higher power that UNIFIL could negotiate with. Further, as Damrosch stated, "an obvious tension exists between preservation of impartiality or neutrality on the one hand, and fulfilment of functions of norm enforcement on the other."[48] A second problem for the UN is when "the parties that have accepted its mandate one day reject their commitments the next."[49] The UN faced this dilemma in the Congo when the Armée Nationale Congolaise (ANC), confused by ONUC's neutral position, took matters into their own hands by launching an assault aimed at preventing Katanga's secession. Thus, as Dobbie has suggested, "consent *within* an operation must supplement consent *for* an operation."[50]

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[46] The Blue Helmets: 6.

[47] Berdal, Whither UN Peacekeeping?: 28-29.

[48] Damrosch, "Concluding Reflections" in Enforcing Restraint: 354.

[49] Steven R. Ratner, "The United Nations in Cambodia: A Model for Resolution of Internal Conflicts?" in Enforcing Restraint: 257.

Some observers have suggested that due to the difficulties inherent in internal conflicts, "strict adherence" to consent "substantially reduces the operational efficiency of a peacekeeping force."[51] In fact, some scholars have argued that, due to events in Iraq and Somalia, the principle of consent has been downgraded recently.[52] However, others have argued that in order to accomplish the new tasks required of peacekeeping a "significant degree of local cooperation," which depends upon "sufficient consent" is needed.[53] Thus, an important objective of this study will be to assess fully the importance of consent in internal conflicts.

ii) Impartiality

The second established principle of peacekeeping has been impartiality. It is important to keep in mind that there is a clear linkage between consent and impartiality. Dobbie has noted that "impartial conduct by peacekeepers will derive from and, in turn, sustain consent."[54] *The Blue Helmets* stressed that

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[50] Dobbie: 122.

[51] Berdal, Whither UN Peacekeeping?: 30.

[52] See, for example, Adam Roberts, "The Crisis in UN Peacekeeping" Survival 36/3 (Autumn 1994): 99-101.

[53] Dobbie: 125.

[54] Dobbie: 133.

> [t]his requirement of impartiality is fundamental, not only on grounds of principle but also to ensure that the operation is effective. A UN operation cannot take sides without becoming a part of the conflict which it has been set up to control or resolve.[55]

Peacekeepers must be more than impartial, they "must be seen to operate impartially."[56] The military commanders of peacekeeping operations also recognize the need to act impartially between the local parties. As UNTAC's Force Commander stated, "if peacekeepers fail to maintain their neutrality, they have to be prepared to go to war --- or to go home."[57]

Recently a different view of UN impartiality has emerged. As Adam Roberts has asserted, "in some peacekeeping operations, `impartiality' may have come to mean not impartiality between the belligerents, but impartiality in carrying out UN Security Council decisions."[58] This definition of impartiality would justify the NATO air attacks against the Bosnian Serbs. The UN considered itself to be acting impartially in authorizing NATO's action because only the Bosnian Serbs were violating the Security Council Resolutions. Has this change in the concept of impartiality been useful? The answer to that question will be determined through the three case studies.

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[55] The Blue Helmets: 6.

[56] Dobbie: 135.

[57] Quoted in James, "Peacekeeping in the post-Cold War era:" 254.

[58] Roberts, "The Crisis in UN Peacekeeping:" 115.

In the past, the importance of being seen as impartial led the UN to preclude the P-5, former colonial powers, and neighbouring states from participating in peacekeeping operations.[59] However, this policy was altered in the post-1988 period, and all P-5 members have now served on peacekeeping missions. This raises a new set of issues. On the negative side, active participation by certain countries can still be politically sensitive for the citizens of the target state; for instance, former colonial powers Italy and France serving in Somalia and Cambodia respectively. There is also the fear of regional hegemons re-enforcing their primacy during a peacekeeping operation, as China (in Cambodia), the US (in Haiti), and Nigeria (in Liberia) were all criticized of doing. Finally, great powers possess a greater capability to pursue national interests in their conduct in an operation. On the positive side, great power peacekeepers can increase the strength and authority of a peacekeeping operation. P-5 participation also gives them an additional stake in the eventual outcome. Regional powers can also provide local knowledge, interest, and staying power that other states may lack. Further, when the US, in particular, becomes involved it heightens the attention of Congress, the media, and the public to the conflict. While this can later backfire, as was the case in Somalia, the initial added attention that is brought to a previously neglected conflict is usually beneficial.

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[59] An exception was UNFICYP which has contained British forces.

While there is a great deal of merit in including great and regional powers in peacekeeping operations, potential problems exist. Caution must be exercised in the decision of force composition. One UN official stated that they "went in too readily" in allowing France, China, and Thailand to participate in UNTAC. She noted that the UN "can't say no [to P-5 participation] - even though it should - because it had no choice."[60] However, other evidence suggests that the UN can and does place some limits on force composition. Boutros-Ghali, in reference to Bosnia, stated that the UN "cannot accept troops which might get involved directly or indirectly in the conflict. We don't invite troops with a political commitment, and that's why we don't accept troops from countries bordering on the former Yugoslavia either."[61] The case studies in Chapters 4 to 6 will assess the effect that the inclusion of great and regional powers on UN peacekeeping operations has had specifically on UN imparitality, and, more generally, on the operation's overall performance.

iii) Minimum Use of Force

The final principle of peacekeeping is that it uses a minimum level of force. Force can only be used in situations of self-defence. This principle was based on idealism, Charter restrictions, and practicality. Self-defence was first defined when the United Nations Emergency Force (UNEF I) was created in 1956. According to Dag Hammarskjold,

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[60] Confidential interview, New York, Nov 14, 1994.

[61] Quoted in Roberts, "The Crisis in UN Peacekeeping:" 105.

> where the rule is applied that men engaged in the operation may never take the initiative in the use of armed force, but are entitled to respond with force to an attack with arms, including attempts to use force to make them withdraw from positions which they occupy under orders from the Commander, acting under the authority of the Assembly and within the scope of its resolutions.[62]

In 1973, with the establishment of UNEF II, then Secretary-General Kurt Waldheim widened the definition of self-defence to "include resistance to attempts by forceful means to prevent [UNEF II] from discharging its duties under the Security Council's mandate."[63]

There have been instances where peacekeepers have been authorized to use force greater than that of self-defence. In 1961, ONUC was authorized to use force to remove mercenaries assisting the Katangese secessionists from the Congo.[64] The United Nations Operation in Somalia II (UNOSOM II), which was established under Chapter VII, was also authorized to use all necessary force in protecting its humanitarian convoys.[65] However, in practice, peacekeepers have continued to limit their use of force due to issues of impartiality, their dependency on local cooperation, and their frequent lack of firepower.[66] This is not to suggest that UN peacekeepers should not be prepared, and equipped, to use force in certain circumstances. For instance, UN troops may be forced to defend themselves and/or their mission against the threat posed from criminals, unaffiliated guerilla fighters, or outlaw platoons from one of the parties to the conflict. In addition, some of the parties to the conflict may attempt to "test" the commitment of the UN to the operation. The peacekeepers must show that they will not be intimidated from performing their assigned tasks, but at the same time, they must avoid becoming a party to the conflict. As Brian Urquhart emphasized, "there is a very important difference between the use of force and a show of strength."[67]

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[62] Quoted in F.T. Liu, United Nations Peacekeeping and the Non-Use of Force (New York, 1992): 18.

[63] Quoted in Ibid: 25.

[64] S/Res/169, 24 November 1961.

[65] S/Res/814, 26 March 1993.

[66] Goulding: 455.

As has been stated earlier, the UN's ability to use force is directly linked to the issue of consent. Durch, for example, saw consent and the use of force to be linked in a continuum. On one end of the spectrum is full consent and no force (humanitarian relief and mediation), while the other end has no consent and maximum force (peace enforcement and humanitarian intervention). Durch conceives peacekeeping to be in the full consent quadrant, but ranging between no force and maximum force.[68] Dobbie also recognized that "the use of force is *facilitated* by consent."[69]

As a result of the changing nature of peacekeeping since 1988, in particular the conflicts in Bosnia and Somalia, a debate has raged over the use of force. The increased use of force in a peacekeeping operation does not necessarily have to come from the peacekeepers. In fact, the UN is faced with several options on who can use force. Three of these options have already been utilized. First, the UN can authorize a Chapter VII peacekeeping operation. This option was chosen for the Congolese operation. Second, the UN can authorize member states to take forceful action, for example, the US in Somalia, and France in Rwanda. Third, the UN can rely on a regional organization, for instance, NATO's use of force in support of the United Nations Protection Force (UNPROFOR) in Bosnia. Besides these three, already tested, options, there are two additional theoretical possibilities. The first is to have member states provide a well-armed stand-by force which is capable of quickly, and decisively, entering a conflict. Finally, the UN could maintain a standing army.

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[67] Brian Urquhart, "Foreword" in Liu: 7.

[68] Durch, "Introduction": 5.

[69] Dobbie: 121.

In deciding to increase the use of force in a peacekeeping operation, the UN must reconcile four major issues. First, regardless of who is authorized to use force, there may be lightly armed peacekeepers vulnerable to retaliation. Second, there exists the potential for civilian fatalities due to the increased fighting that would result with a greater use of force. Third, using force can damage the impartiality of the peacekeeping operation. Finally, the UN Secretariat, which possesses the command and control of peacekeeping missions, is not designed to manage force effectively. As a senior Canadian military officer stated, "when it comes to military matters, the UN is an immature organization."[70] Thus, many member states are reluctant to place their troops under UN command and control in a Chapter VII operation. Moreover, many countries, in particular the United States, will never place their armed forces under foreign command.

Despite these dilemmas, there has been some call for increased use of force in peacekeeping operations. Boutros-Ghali recommended such an increase when he argued for "the utilization of peace-enforcement units" to "restore and maintain" an agreed-upon cease-fire which has been violated by one of the parties.[71] Kofi Annan, the current Under-Secretary-General for Peacekeeping Operations, also argued that there "are clearly tasks that call for `teeth' and `muscle.'"[72] Ruggie has suggested that the UN needs to adopt a military strategy which would "deter, dissuade, and deny (D^3)."[73]

This approach faces its critics from many sides. Humanitarian groups argue that a greater use of force by UN peacekeepers is detrimental to humanitarian efforts.[74] Other critics argue that the UN is inherently incapable of managing force.[75] Even those who believe that force has a role in peacekeeping operations, like Adam Roberts, have warned that "any application of force... has to be discriminate both in the choice of situations in which it is brought to bear and in the timing and manner of its application."[76]

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[70] Confidential interview, New York, Nov 16, 1994.

[71] An Agenda for Peace: 26.

[72] Kofi A. Annan, "UN Peacekeeping Operations and Cooperation with NATO" NATO Review 41/5 (Oct 1993): 4.

[73] John Gerard Ruggie, "Wandering in the Void: Charting the UN's New Strategic Role" Foreign Affairs 72/5 (Nov/Dec 1993): 26-31.

[74] See Francois Jean, ed.) Life, Death and Aid (New York, 1993) and Alex de Waal and Rakiya Omaar, "Can Military Intervention Be `Humanitarian'?" Middle East Report (March-June 1994): 3-8.

In sum, the role that force plays in peacekeeping has become contentious recently. The case studies included in this study will be utilized to determine to what extent the UN has resorted to force, and how effective it has been in supporting the objectives of the UN operations. This will provide an assessment on the use of force in peacekeeping operations.

CHAPTER OUTLINE

This study is divided into three parts. Part One, which includes Chapters 1-3, performs the dual role of an introduction to the study and a conceptualization of its theoretical framework. Chapter 2 produces a literature review on the legal, moral, and institutional arguments over UN peacekeeping in internal conflicts. Chapter 3 will develop criteria to assess the effectiveness of peacekeeping operations.

Part Two, which includes Chapters 4-6, constitutes an in-depth analysis of the three case studies, with particular attention being paid to the factors which contributed to its level of effectiveness. Chapter 4 will examine UNTAC. Chapter 5 will inquire into UNOSOM I & II and the Unified Task Force (UNITAF). Chapter 6 will assess UNPROFOR's performance in Bosnia.

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[75] Giandomenico Picco, "The U.N. and the Use of Force" Foreign Affairs 73/5 (Sept/Oct 1994): 14-18 and Kim R. Holmes, "New World Disorder: A Critique of the United Nations" Journal of International Affairs 46/2 (Winter 1993): 323-340.

[76] Roberts, "The Crisis in UN Peacekeeping:" 104.

Part Three is a conclusion to the study. Chapter 7 identifies and compares the factors which have enhanced, or hindered, the effectiveness of peacekeeping operations in internal conflicts and provides an explanation for peacekeeping performance based on the three case studies. Chapter 8 goes back to the theoretical debate of Chapter 2 and, on the basis of the empirical evidence that has been uncovered, assesses the legal, moral, and institutional implications of UN peacekeeping operations in internal conflicts. Chapter 9 offers a brief conclusion to the dissertation.

CHAPTER TWO

THE LEGAL, MORAL, AND INSTITUTIONAL DIMENSIONS

A prominent source of debate in the study of international relations concerns the primacy of state sovereignty and the limits that this places on intervention into the domestic affairs of states. The objective of this dissertation is to determine how United Nations peacekeeping in internal conflicts affects, and in turn has affected, the intervention debate. This debate has been articulated in three ways: the international legality of UN intervention; the moral dimension of UN intervention; and finally the institutional capability of the UN. The purpose of this chapter is to identify and outline these arguments over whether the UN should intervene in internal conflicts.

THE LEGAL DIMENSION

This section will examine the legal arguments that have raised regarding the primacy of state sovereignty and the subsequent proscription on UN non-intervention. Both supporters and opponents of UN non-intervention have developed their arguments along similar planes. In particular, their arguments have been based largely on the UN Charter and other UN declarations and resolutions, and UN practice.

i) The Case For Non-Intervention

The concepts of state sovereignty and non-intervention were both emphasized in the UN Charter. State sovereignty can be inferred from Article 2 (1), which stated that "the Organization is based on the principle of the sovereign equality of all its Members." From this declaration of the equality of states springs the principle of non-intervention. This is articulated in Article 2 (4), which requires that "all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

The various organs of the UN have also asserted the doctrine of non-intervention. For example, the General Assembly's 1949 resolution on The Essentials of Peace Resolution called on states to "refrain from any threats or acts, direct or indirect, aimed at impairing the freedom, independence or integrity of any State, or at fomenting civil strife and subverting the will of the people in any State."[1] The General Assembly re-asserted its adherence to non-intervention when, in 1965, it unanimously passed the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States, and the Protection of their Independence and Sovereignty. In 1970, non-intervention was again upheld with the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among State in Accordance With the Charter of the United Nations. Finally, in 1986 the International Court of Justice in *Nicaragua v United States of*

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[1] GA/Res/290, 1 Dec 1949: Article 3.

America specified that the principle of non-intervention, despite frequent violations, remains a part of international law, and that the only legitimate reason for intervention is self-defence.

In addition to the restrictions on unilateral intervention, the Charter also extended this proscription to multilateral intervention by the UN. Article 2 (7) declared that "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state." Thus the UN Charter specifically calls on the UN itself, as well as individual states, to refrain from acts of intervention.

Although the principle of non-intervention has been clearly enunciated, there has still been considerable debate over whether humanitarian intervention constitutes an exception. Humanitarian intervention has been defined by Ian Brownlie as "the threat or use of armed force by a state, a belligerent community, or an international organisation, with the object of protecting human rights."[2] Anthony Clark Arend and Robert Beck do not see threats of force as constituting humanitarian intervention, they restrict the concept to "the use of armed force by a state (or states) to protect citizens of the target state from large-scale human rights violation there."[3] For Adam Roberts, humanitarian intervention only occurs when the target state withholds consent.

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[2] Ian Brownlie, "Humanitarian Intervention" in John Norton Moore, ed.) Law and Civil War in the Modern World (Baltimore, 1974): 217.

[3] Arend and Beck: 113.

Roberts defined humanitarian intervention as "military intervention in a state, without the approval of its authorities, with the purpose of preventing the widespread suffering or death among its inhabitants."[4] Thus, the common features of humanitarian intervention are the use of military force, without the consent of the target state, to stop widespread human rights abuses.

The first issue to consider is whether there is a right of unilateral humanitarian intervention. Three cases have been frequently cited as confirming the right of humanitarian intervention: India in Bangladesh (1971), Vietnam in Cambodia (1978), and Tanzania in Uganda (1979). Due to the level of human rights atrocities which were occurring, it appeared that a strong case for unilateral humanitarian intervention could be made. However, in each instance, the intervening state claimed self-defence, not a right of humanitarian intervention. This has led Tom Farer to assert "that there is not a single case in the entire post-war era where one state has intervened in another for the exclusive purpose of halting mass murder."[5] There appears to be a strong consensus against unilateral humanitarian intervention.[6]

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[4] Adam Roberts, "From San Francisco to Sarajevo: The UN and the Use of Force:" Survival 37/4 (Winter 1995-96): 12.

[5] Tom J. Farer, "An Inquiry into the Legitimacy of Humanitarian Intervention" in Lori Fisler Damrosch and David J. Scheffer, eds.) Law and Force in the New International Order (Boulder, CO, 1991): 192-193.

[6] See Michael Akehurst, "Humanitarian Intervention" in Hedley Bull, ed.) Intervention in World Politics (Oxford, 1984): 95-111; R.J. Vincent, "Grotius, Human Rights, and Intervention" in Hedley Bull; Benedict Kinsbury; and Adam Roberts, eds.) Hugo Grotius and International Relations (Oxford, 1990): 241-256: Moore, ed.) Law

If unilateral humanitarian intervention is prohibited, what about multilateral intervention to protect against human rights violations? R. J. Vincent has argued against humanitarian intervention by stating that the UN "was primarily concerned with building an order between states not within them, with eliminating international war not civil conflict."[7] In addition, while Article 1 of the UN Charter identified the promotion of human rights as one of the purposes of the UN, the first purpose was the maintenance of international peace and security. Michael Akehurst has submitted that this means "it is unlawful for states to seek to realize the other purposes of the United Nations by means which involve a breach of international peace."[8] Thus, as Ian Brownlie has concluded,

> in the lengthy discussions over the years in United Nations bodies of the definition of aggression and the principles of international law concerning international relations and co-operation among states, the variety of opinions canvassed has not revealed even a substantial minority in favour of the legality of humanitarian intervention.[9]

UN practice during the Cold War also illustrates adherence to the doctrine of non-intervention. Hugh Miall recently completed a statistical study of conflict from 1945 to 1991, and concluded that "although there is an international dispute

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and Civil War; and Damrosch and Scheffer, eds.) Law and Force.

[7] R. J. Vincent, Nonintervention and International Order (Princeton, NJ, 1974): 236.

[8] Akehurst: 105-106.

[9] Brownlie: 218-219.

settlement system, with the UN and the regional organizations, at its centre, this system was not designed to deal with non-international conflicts and is inadequately equipped to do so."[10] This view was reinforced by Pelcovits and Kramer, who statistically studied UN peacekeeping involvement in internal conflicts[11] from 1945-1971. They determined that in only 20% of the cases were peacekeepers utilized.[12] Lukashuk has examined the historical practice of the UN and found that there is some evidence of humanitarian intervention against illegitimate colonial regimes. In particular, he cited the cases of South Africa and Southern Rhodesia. However, in neither case did the UN support a military intervention to overthrow these regimes.[13]

Have recent UN operations altered this proscription on humanitarian intervention? Oscar Schachter has argued that the apparent move to greater intervention by the UN will become a short-term historical memory. He pointed out that

> as 1993 drew to a close, the lack of resolve on the part of major powers, along with weaknesses within the UN operations, augured a retreat from peace

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[10] Hugh Miall, The Peacemakers: Peaceful Settlement of Disputes since 1945 (New York, 1992): 185.

[11] Pelcovits and Kramer use the term "local conflict" rather than "internal conflict" as it is being used here. N.A. Pelcovits and Kevin L. Kramer, "Local Conflicts and UN Peacekeeping: The Uses of Computerized Data" International Studies Quarterly 20/4 (December 1976): 533-552.

[12] Ibid.

[13] Igor I. Lukashuk, "The United Nations and Illegitimate Regimes: When to Intervene to Protect Human Rights" in Law and Force: 143-158.

> enforcement and perhaps from consensual peace keeping. While the main legal principles are not likely to be abandoned, we can expect changes in legal arrangements bearing on rules of engagement, command and control, and perhaps criteria for UN interventions.[14]

This opinion meshes well with an earlier piece by Schachter. In 1991, he emphasized that the "prudent and legally correct position" would be for the avoidance of UN armed force in cases of internal rebellion. Non-intervention should be observed, even if the UN is invited in by a sovereign state, and "even if a foreign state supports the rebellion by economic or political means short of actual armed intervention."[15]

Concurring with Schachter is Jane Stromseth, who has identified two schools of thought that exist among the member states of the UN regarding the growth in its involvement in internal conflicts. The first school, which includes most member states, does not "view the principle of domestic jurisdiction as a barrier to action." These states believe that "the distinction between internal and inter-national conflicts is breaking down, and that conflicts that begin within a state's borders, such as human rights violations or struggles for self-determination, may ultimately pose a threat to international peace and security subject to Security Council action." The second school, which includes China and non-aligned countries like India and Zimbabwe,

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[14] Oscar Schachter, "United Nations Law" American Journal of International Law 88/1 (Jan 1994): 19.

[15] Oscar Schachter, "Authorized Uses of Force by the United Nations and Regional Organizations" in Law and Force: 86.

"are reluctant to accept international oversight of matters they view as primarily domestic." The fear of these countries is that issues like human rights will be "used as a pretext for the intervention of big Powers in the legitimate domestic affairs of small States." It is Stromseth's view that the second school will prevail, and that this "will hamper efforts to obtain Security Council authorization" for intervention into internal conflicts. This is due not only to the strength of the latter's arguments, but for the more practical reason of China's veto in the Security Council.[16]

The Kurdish example, which is at the forefront of the argument that the prohibition against humanitarian intervention is no longer absolute, has been criticized. Mayall stated that the Kurdish crisis was not precedent-setting because the international obligation to assist the Kurds was due to the Allies providing them with the conditions (through the devastation and chaos caused by the war) and the encouragement (from President Bush) to revolt.[17] Stedman has also argued that the Kurdish case was an "errant example." "[H]umanitarian intervention could work in Iraq because it followed, not preceded, the most successful U.N. peace-enforcement mission ever."[18] This was a very unique occurrence, and it is doubtful that it will be repeated. Moreover, the fact that Resolution 688 passed only after intense debate and with three no votes and two abstentions, "shows that it was not the great leap toward international interventionism that some observers have claimed."[19]

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[16] Jane E. Stromseth, "Iraq's Repression of its Civilian Population: Collective Responses and Continuing Challenges" in Enforcing Restraint: 97-98.

[17] James Mayall, "Non-intervention, self-determination and the 'new world order'" International Affairs 67/3 (July 1991): 421-429.

[18] Stedman: 6-7.

China's abstention on Resolution 688 showed that humanitarian intervention does not have the full support in the Security Council. China defended its non-vote by stating that

> this is a question of great complexity, because the internal affairs of a country are also involved. According to paragraph 7 to Article 2 of the Charter, the Security Council should not consider or take action on questions concerning the internal affairs of any State. As for the international aspects involved in the question, we are of the view that they should be settled through the appropriate channels. We support the Secretary-General in rendering humanitarian assistance to the refugees through the relevant organisations.[20]

China's abstention showed that while it was willing to give specific support for the mission in Northern Iraq, it was not prepared to accept the general principle of UN humanitarian intervention.

Reinforcing the scepticism over Resolution 688's humanitarian merits was Turkey's 1995 invasion of Northern Iraq in pursuit of separatist Kurdish rebels. The Turkish government believed that a secessionist movement, the Kurdistan Workers Party

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[19] William Lewis, "Peacekeeping in the Name of Humanity" Peacekeeping and International Relations (Nov/Dec 1992): 10.

[20] Quoted in Comfort Ero and Suzanne Long, "Humanitarian Intervention: A New Role for the United Nations" International Peacekeeping 2/2 (Summer 1995): 149.

(PKK), possessed bases in northern Iraq, and was attempting, through 35,000 troops backed by tanks and fighter jets, to eradicate them. By ignoring this clear act of aggression, the UN Security Council proved that the Kurdish safe area concept was not motivated by a desire to protect the Kurds, but was part of the aftermath of the Gulf War. Also noteworthy was the reaction of the US which had been largely responsible for the establishment and defence of the safe areas. The US had been appalled by Saddam Hussein's slaughter of the Kurds, but it was now expressing an "understanding for Turkey's need to deal decisively" with the PKK.[21] Thus, the Turkish violation of the safe area in northern Iraq provides strong evidence that the protection of Kurdish lives was clearly secondary to the protection of the memory of the Allied victory over Iraq in the Gulf War.

In sum, the position that the UN is legally bound to the principle of non-intervention, whether generally, or more specifically regarding the protection of human rights, is based on two main arguments. First, the UN Charter is clear in its prohibition, by member states or the UN, of interference in the domestic affairs of states. Second, an examination of UN practice, during the cold war and more recently, reveals adherence to non-intervention. In the case of the UN's intervention into Iraq, which may represent an example of humanitarian intervention, critics emphasized its mitigating circumstances which will constrain future interventions.

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[21] The Globe and Mail (March 21, 1995): A1, A9.

ii) The Case For Intervention

The principle of UN non-intervention has faced criticism. In particular, should sovereignty be used as a club by a government to beat its own citizens with impunity? The argument has been made that the UN Charter, in addition to showing respect for state sovereignty, gave equal commitment to other values, in particular human rights. This has led to the view that humanitarian intervention should be considered part of international law.

The importance of human rights is reiterated often in the UN Charter. In its preamble, the UN Charter expresses the determination "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in equal rights of men and women and of nations large and small." Article 1 (3) states that one of the purposes of the UN is to "promot[e] and encourag[e] respect for human rights." Article 55 links "the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples" with the promotion of the "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." This requirement is strengthened by Article 56, which pledges all UN members "to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55."

Beyond the UN Charter, there are additional UN declarations which emphasize the importance of human rights.[22] The most significant of which was the 1948 Universal Declaration of Human Rights. "Initially the Universal Declaration had only high moral and political status," as S.A. Williams and A.L.C. de Mestral wrote, "but over the years it has become possible to maintain that it is declaratory of customary international law."[23] Besides the Universal Declaration, the General Assembly adopted many other conventions which expressed the importance of human rights. Three examples, from among many, were the Convention on the Prevention and Punishment of the Crime of Genocide (1949), the International Covenant on Economic, Social and Cultural Rights (1966), and the International Covenant on Civil and Political Rights (1966).

The growth in the body of UN resolutions and declarations, when combined with provisions in the UN Charter, constitutes an elaborate human rights regime. This has led supporters of humanitarian intervention, such as Richard Falk, to argue that the UN could intervene "whenever civil strife threatens world peace or whenever gross abuses of fundamental human rights take place."[24]

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[22] For more information on the development of the human rights regime, both inside and outside of the UN, see Dorothy W. Jones, Code of Peace: Ethics and Security in the World of the Warlord States (Chicago, 1991).

[23] S.A. Williams and A.L.C. de Mestral, An Introduction to International Law: Chiefly as Interpreted and Applied in Canada Second Edition (Toronto, 1987): 309.

UN practice during the Cold War was largely consistent with the principle of non-intervention. However, Firmage noted that international institutions have been evolving in their treatment of internal conflicts. He compared the non-existence of any institution during the American civil war, the League of Nations failure during the Spanish civil war, and the role of the United Nations in the Congo.[25] If the pattern of evolution held, the UN, once freed from Cold War constraints, could take a more active role in internal conflicts.

Since the end of the Cold War, increasingly there have been suggestions that the concept of sovereignty is no longer absolute. This was most apparent when officials from the USSR, formerly one of the staunchest supporters of state sovereignty, started linking internal conflicts with international peace and security. For example, in 1989, former Soviet Foreign Minister Eduard Shevardnadze told the General Assembly that "the notion of `within the country' is often relevant to that of `outside'."[26] In addition, former Canadian Prime Minister Brian Mulroney announced in 1991 that Canada was receptive to "re-thinking the limits of national sovereignty in a world where problems respect no borders."[27] Boutros-Ghali also pronounced that "the time of absolute and exclusive sovereignty... has passed; its theory was never matched by reality."[28] Finally, former United States President Ronald Reagan suggested that states suffering a humanitarian crisis should be met with "nothing less than a human velvet glove backed by a steel fist of military force."[29]

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[24] Richard A. Falk, Legal Order in a Violent World (Princeton, 1968): 336. Other supporters of humanitarian intervention include Richard B. Lillich, "Humanitarian Intervention: A Reply to Ian Brownlie and a Plea for Constructive Alternatives" in Law and Civil War: 229.

[25] Edwin Brown Firmage, "Summary and Interpretation" in Evan Luard, ed.) The International Law of Civil War (New York, 1972): 422.

[26] Quoted in James O.C. Jonah, "Developing a United Nations Capacity for Humanitarian Support Operations" in Leon Gordenker and Thomas G. Weiss, eds.) Soldiers, Peacekeepers and Disasters (New

There are legal scholars who argue that UN practice since the end of the Cold War has shifted the doctrine of non-intervention since 1987.[30] They point to a series of resolutions, that the Security Council has passed, which extend the meaning of a "threat to international peace and security." This is necessary in order to side-step the prohibitions explicit in Article 2(7). It

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York, 1991): 87.

[27] Office of the Prime Minister. "Notes for an address by Prime Minister Brian Mulroney on the occasion of the centennial anniversary convocation" Stanford University, California (Sept 29, 1991).

[28] An Agenda for Peace: 9.

[29] New York Times (Jan 24, 1993): E1.

[30] See B.G. Ramcharan, "The Security Council: Maturing of International Protection of Human Rights" The Review: International Commission of Jurists 48/1 (June 1992): 24-37; James A.R. Nafziger, "Self-Determination and Humanitarian Intervention in a Community of Power" Denver Journal of International Law and Policy 20/3 (Fall 1991): 9-39; and Ved P. Nanda, "Tragedies in Northern Iraq, Liberia, Yugoslavia, and Haiti --- Revisiting the Validity of Humanitarian Intervention Under International Law --- Part I" Denver Journal of International Law and Policy 20/4 (Winter 1992): 305-334.

is important to keep in mind that whenever the Security Council acts under Chapter VII it is assuming a "quasi-judicial" function which allows it to make binding international law on both UN members and non-members.[31]

The most prominent example of this new type of activity was in Iraq. After Iraq's surrender in the Gulf War, it ordered its remaining troops to suppress rebellions by the Kurdish minority in the north and the Shiites in the south. When pictures were shown of Kurdish refugees huddled together in the mountains along the Turkish-Iraqi border, the international community was shamed into taking action. Through Resolution 688, the UN linked human rights abuses in Iraq to a threat to international peace and security. This led to the formation of Kurdish "safe havens" in northern Iraq. To protect these "safe havens," the UN, operating under Chapter VII of the UN Charter, authorized the Gulf War coalition partners, in particular the US and the UK, to enforce "air exclusion zones."[32] This prevented the Iraqi air force from hitting the Kurds with air strikes. The restriction on the Iraqi armed forces' freedom of movement was a clear violation of its sovereignty.

British Foreign Secretary Douglas Hurd justified the UN's intervention to protect the Kurds because "recent international law recognises the right to intervene in the affairs of another state in cases of extreme humanitarian need."[33] In addition, it is important to note that Resolution 688 specifically "recall(s)" Article 2(7). As Nafziger commented, this meant that the "Security Council's highly interventionist program on behalf of the Kurds in northern Iraq was deemed to be consistent with Article 2(7)."[34] According to Jarat Chopra and Thomas Weiss, the creation of the Kurdish safe havens represented a new willingness on behalf of the UN to accept the legality of humanitarian intervention.[35]

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[31] See UN Charter, Articles 2 (6), 25, and 48. For more information on the role of the Security Council in the development of international law see Schachter, "United Nations Law" and Jose E. Alvarez, "The Once and Future Security Council" The Washington Quarterly 18/2 (Spring 1995): 5-20.

[32] S/Res/688, 5 April 1991.

In sum, a view has emerged that the UN is legally capable of intervening into the domestic jurisdiction of states. The shifting interpretation of the UN Charter, when combined with the growing body of human rights declarations, has created the legal conditions necessary for humanitarian intervention. In addition, recent UN practice, particularly in Iraq, suggests that the concept of state sovereignty has been altered to allow for humanitarian intervention.

THE MORAL DIMENSION

The debate over state sovereignty and UN intervention is not restricted to international lawyers. In particular, there is a substantial moral dimension to the debate. This section will examine the moral arguments which favour the maintenance of the principle of non-intervention in general and UN non-intervention in particular. This will be followed by arguments which assert that, in cases of serious human rights violations, the UN is compelled to intervene.

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[33] Quoted in Jim Whitman, "A Cautionary Note on Humanitarian Intervention" Journal of Humanitarian Assistance [http://www.jha.cam.ac.uk] (posted Sept 15, 1995): para. 6.

[34] Nafziger: 31.

[35] Jarat Chopra and Thomas G. Weiss, "Sovereignty Is No Longer Sacrosanct: Codifying Humanitarian Intervention" Ethics and International Affairs 6 (1992): 95-117.

i) The Case For Non-Intervention

Michael Walzer, in his book *Just and Unjust Wars*, reviewed John Stuart Mill's argument against intervention.[36] Self-determination refers to the right of members of a political community to choose what type of state they want to live in. Mill believed that a political community's highest ideal was not its political freedom, but its self-determination. This is true even of repressive regimes. As a result, a political community's liberty cannot be achieved by an external power, it must be fought for by its inhabitants. Thus, the principle of non-intervention, as Mill argued, was needed to guarantee a political community's right "to become free by their own efforts."

If foreign powers are morally obliged to refrain from intervening in cases of state repression, what about in instances of internal conflicts? According to Montaque Bernard, foreign powers should stay out of civil wars because only two things can happen:

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[36] Michael Walzer, Just and Unjust Wars: A Moral Argument with Historical Illustrations (New York, 1977): 87-91.

> the interference in the case supposed either turns the balance, or it does not. In the latter event, it misses its aim; in the former, it gives the superiority to the side which would not have been uppermost without it and establishes a sovereign, or a form of government, which the nation, if left to itself, would not have chosen.[37]

An exception to this rule of non-intervention would be in cases of counter-intervention, which, as Walzer has stated, are justified to "preserv[e] the balance" and "restor[e] some degree of integrity to the local struggle."[38]

Another argument for maintaining the principle of non-intervention is that it acts as a restraint on war.[39] If interventions in domestic affairs were acceptable it would greatly multiply the locales for conflict. In addition, not only does non-intervention restrain war, but it helps prevent its escalation. The danger of conflict escalation was most evident during the Cold War when an intervention by a superpower, or one of its surrogates, could beget counter-intervention, and pretty soon a limited internal conflict could turn into World War III. Bryan Hehir has warned that, "expanding the frequency of intervention.... will yield the combination of good intentions and bad consequences (for ourselves and for others) that have so often doomed Liberal policies."[40] For example, the multitude of unilateral interventions in Africa has "exacerbated and prolonged the crises, introducing extraneous ideological and political dimensions to what were essentially local conflicts."[41]

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[37] Quoted in Ibid: 96-97.

[38] Ibid: 97.

[39] J. Bryan Hehir, "Expanding Military Intervention: Promise or Peril?" Social Research 62/1 (Spring 1995): 44-45.

[40] Ibid: 49.

A further argument against intervention is that it is simply a mask for Western imperialism. The Third World, as Hedley Bull has noted, "see the sovereign rights of their states as their most vital interests and as a bulwark of their defences against imperialism."[42] The increase in interventions since the end of the Cold War has led some critics to assert that "the South is under siege --- from an international community impatient to meddle in its affairs. States of the South are losing their sovereignty, which in many cases was only recently or tentatively acquired."[43] Since most interventions occur in the former colonial world, some critics have charged that intervention has been "post-colonial in nature."[44]

This fear of intervention also extends to those conducted under the auspices of the UN. Commenting on the intervention in

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[41] Ibrahim A. Gambari, "The Role of Foreign Intervention in African Reconstruction" in I. William Zartman, ed.) Collapsed States: The Disintegration and Restoration of Legitimate Authority (Boulder, CO, 1995): 232.

[42] Hedley Bull, "Conclusion" in Intervention in World Politics: 186.

[43] Shahram Chubin, "The South and the New World Order" The Washington Quarterly 16/4 (Autumn 1993): 88. Also see: Dorinda G. Dallmeyer, "National Perspectives on International Intervention: From the Outside Looking In" in Donald C.F. Daniel and Bradd C. Hayes, eds.) Beyond Traditional Peacekeeping (New York, 1995): 20-39.

[44] Hehir: 49.

Northern Iraq, James Jonah, the former UN Under-Secretary-General for Political Affairs, stated that

> most small and medium-sized states, particularly in the Third World, have expressed concern at the way the concept of humanitarian intervention has been applied in Iraq. They fear that this precedent could be used in future as a pretext for old-fashioned political and military intervention in weak states.[45]

What feeds this argument is how quiet the UN Security Council becomes when one of the P-5 states is the intervener. The Security Council refused to censure either China or the US for their actions in Tibet and Panama. In addition, the P-5 are immune from UN intervention. Thus, UN intervention resembles unilateral intervention in that it will only occur against weak states.

There have been other moral objections levelled against UN humanitarian intervention. Thomas Weiss has identified several of these arguments.[46] First, humanitarian intervention is a contradiction in terms because by their inherent nature, humanitarian initiatives must be strictly consensual. Second, there are fears that, due to US dominance of the Security Council, UN deployments into internal conflicts would represent a continuation of earlier American hegemony. Third, humanitarian intervention increases instability in the target state by raising the level of violence in the short run and making reconciliation more difficult in the long term. In short, UN intervention into an internal conflict could cause more harm than good to the affected people.

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[45] James O. C. Jonah, "Humanitarian Intervention" in Thomas G. Weiss and Larry Minear, eds.) Humanitarianism Across Borders: Sustaining Civilians in Times of War (Boulder, CO, 1993): 69.

[46] Thomas G. Weiss, "Triage: Humanitarian Intervention in a New Era" World Policy Journal 11/1 (Spring 1994): 62.

In addition, UN intervention in an internal conflict may result in some undesirable side effects which may undermine the overall objective of the operation.[47] For example, the deployment of UN peacekeepers may lead to increased crime, in particular, prostitution and black market activities. The arrival of the peacekeepers is also likely to have an inflationary impact on the target state.

Another problem with UN intervention in an internal conflict is choosing on which side to intervene. According to Laurence Martin, the UN's intent is to refuse "to let the weaker side lose." Public sympathy usually lies with the weaker side because it is assumed to be more virtuous. However, in reality, "determining where the balance of virtue lies is rarely easy and often impossible."[48] As Walzer has noted, obstacles exist when "there are overlapping sets of victims and victimizers."[49]

A further consequence of UN intervention in an internal conflict is that it may actually prolong the conflict. Martin has argued that intervention will likely "produce stalemate rather than solutions." Even then, the underlying tensions will probably reerupt when the UN decides to pull out. As a result, UN intervention into an internal conflict may lead to more, not less, bloodshed.[50]

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[47] See: Sandra Whitworth, "Where is the politics in peacekeeping?" International Journal 50/2 (Spring 1995): 435; and Roberts, "The Crisis in UN Peacekeeping:" 114.

[48] Martin: 7.

[49] Michael Walzer, "The Politics of Rescue" Dissent (Winter 1995): 36.

Even those sympathetic towards alleviating the suffering caused by civil war are against the use of force to put an end to it.[51] For example, Damrosch asserts that "the objectives of international order" would not be served "by asking an external military force, whether approved by the United Nations or at the regional level, to step in as *deus ex machina* to try to terminate human rights violations. Concerted diplomatic and economic pressure is by far the better route."[52]

In sum, there is the view that it is morally wrong for the UN to intervene in internal conflicts. Three core arguments have been presented for the maintenance of non-intervention. First, it would violate the principle of the self-determination of political communities. Second, it might lead to more, not less, conflict in the world. Third, intervention perpetuates the subjugation of weak states by the strong.

In addition, the issue of UN intervention has created a whole host of additional moral concerns. It is argued that the UN is simply a tool of Western powers, and therefore acts to defend the interests defined by its most powerful members. As a result intervention by the UN is simply Western imperialism in disguise. Humanitarian groups have argued that intervention can result in more harm than good by increasing the level of violence in the country. Some harmful side effects - crime, inflation, etc - may also result from a UN intervention. Finally, UN intervention has the effect of prolonging the conflict it was sent to end.

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[50] Martin: 7.

[51] See: Life, Death and Aid.

[52] Damrosch, "Commentary on Collective Military Intervention to Enforce Human Rights" in Law and Force: 221-222.

ii) The Case For Intervention

The concept of natural law, as interpreted by Hugo Grotius, has been the philosophical spark for the assertion that there exists a right of humanitarian intervention. Lauterpacht has cited Grotius as the first "authoritative statement of the principle of humanitarian intervention --- the principle that exclusiveness of domestic jurisdiction stops when outrage upon humanity begins."[53] Michael Reisman draws on this Grotian tradition when he asserted that

> the validity of humanitarian intervention is not based upon the nation-state oriented theories of international law; these theories are little more than two centuries old. It is based upon an antinomic but equally vigorous principle, deriving from a long tradition of natural law and secular values; the kinship and minimum reciprocal responsibilities of all humanity, the inability of geographic boundaries to stem categorical moral imperatives and, ultimately, the confirmation of the sanctity of human life, without reference to place or

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[53] Quoted in Vincent, "Grotius:" 247.

transient circumstances.[54]

Therefore, humanitarian intervention, as articulated by Michael Walzer, "is justified when it is a response (with reasonable expectations of success) to acts `that shock the moral conscience of mankind.'"[55] In instances of human rights atrocities, as Stanley Hoffman remarked, "the moral good of sovereignty must yield to superior imperatives."[56] This is the essence of humanitarian intervention. As Walzer again noted, "when a people are being massacred, we don't require that they pass the test of self-help before coming to their aid. It is their very incapacity that brings us in."[57]

Supporters of humanitarian intervention do diverge over the mechanics of intervention: who should intervene, when the intervention should take place, and how the intervention should occur. For example, should humanitarian intervention be conducted unilaterally or multilaterally? Walzer makes no distinction between the two approaches, arguing that "any state capable of stopping the slaughter has a right, at least, to try to do so."[58] However, Hoffman has argued that "the risks of abuses of power by the intervener, and of imperialism operating under the mask of benevolence are not ignored, but they should be neutralised by a process of collective intervention, or collective authorization and control of unilateral action."[59] The consensus appears to suggest that multilateralism is preferable to unilateralism in cases of humanitarian intervention.[60] Therefore, the rest of this section will deal with the specific arguments in favour of UN humanitarian interventions.

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[54] Michael Reisman, "Humanitarian Intervention to protect the Ibos" in Richard B. Lillich, ed.) Humanitarian Intervention and the United Nations (Charlottesville, Virginia, 1973): 168.

[55] Walzer, Just and Unjust Wars: 107.

[56] Stanley Hoffman, "The Politics and Ethics of Military Intervention" Survival 37/4 (Winter 1995-96): 35.

[57] Walzer, Just and Unjust Wars: 106.

[58] Ibid: 108.

In recent years, a growing belief in humanitarianism led Adam Roberts to comment that; "humanitarian war is an oxymoron which may yet become a reality.[61] This, when combined with the post-Cold War optimism that has permeated the UN, led to demands for UN intervention into internal conflicts. Prominent in this humanitarian campaign have been some of the most senior officials of the UN Secretariat. While Boutros-Ghali's *An Agenda for Peace* is the best known example, he is not alone. Kofi Annan, the current under-secretary for peacekeeping, has also stated that

> [t]he Security Council is moving toward greater interventionism because in many tragedies public opinion perceives a human imperative that transcends anything else. We are using more force because

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[59] Hoffman, "The Politics and Ethics of Military Intervention:" 35.

[60] Among others who have made this conclusion is Lori Fisler Damrosch, "Commentary on Collective Military Intervention to Enforce Human Rights" in Law and Force: 215-216.

[61] Adam Roberts, "Humanitarian War: Military Intervention and Human Rights" International Affairs 69/3 (July 1993): 429.

> we are encountering more resistance.[62]

In a series of interviews with members of the DPKO in November 1994, there was unanimous sentiment that the UN, in principle, should intervene in internal conflicts. However, most did state that the UN should be more discriminate when it chooses *which* internal conflicts to become involved in.[63]

Some non-governmental organizations (NGOs) have also made similar arguments. Edward Luck, head of the United Nations Association of the United States, is a strong proponent of a forcible presence of the UN in internal conflicts. Luck believes that when "a national government collapses, leaving chaos and widespread domestic violence in its place" the UN is justified in authorizing a multilateral military intervention.[64]

Helman and Ratner argue that the UN is capable of responding to "failed states." A failed state is one which is "utterly incapable of sustaining itself as a member of the international community" due to civil strife resulting in governmental collapse. Haiti, Somalia, Bosnia, Liberia, Sudan, and Cambodia are all cited as constituting failed states. Not all countries involved in civil wars qualify as failed states. The key criterion is whether a state can "maintain some control over the instruments of state power." Helman and Ratner note that "the need to safeguard international peace and security has already prompted specific UN action aimed, at least partly, at rescuing failing states through direct involvement in their internal affairs."[65]

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[62] Quoted in Martin: 3.

[63] Confidential Interviews, New York, Nov 8-14, 1994.

[64] Edward C. Luck, "Making Peace" 89 Foreign Policy (Winter 1992-93): 145.

Amos Sawyer, who was President of Liberia's Interim Government of National Unity in August 1991, also made the case for supporting the failed state.

> Where does a country whose government has collapsed, and with warring factions that are unable to reach an agreement, and unable to establish any form of authority, where does this country go, what do the people do, what then becomes of the most crucial issue in their survival? Is it the question of their preservation of their own humanity, or is it the question of holding on to some legal notion of sovereignty?[66]

Steven Goldman has taken a different tack on Helman and Ratner's failed state concept by arguing that sovereignty "is a moral and political property residing in the nation." Democracies "possess a full complement of sovereignty," but undemocratic states "are the bearers of an impaired sovereignty, or that their sovereignty is in a state of suspension pending a democratic expression being allowed to the population." As Goldman has stated,

> not all states are equal, that legitimate states, i.e., states identifiable as democratic by certain objective criteria, are by virtue of that fact possessed of full, untrammelled sovereignty and may exercise a right to intervene in the affairs of states that are

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[65] Gerald B. Helman and Steven R. Ratner. "Saving Failed States" Foreign Policy No. 89 (Winter 1992-93): 3-20. For specific reference to examples in Africa see Zartman, ed.) Collapsed States.

[66] Quoted in David Wippman, "Enforcing the Peace: ECOWAS and the Liberian Civil War" in Enforcing Restraint: 157.

> not legitimate by the same measure of objective criteria, and that, therefore, do not possess and may not claim the protection of that same full measure of sovereignty.

This distinction between full and impaired sovereignty should lead to the creation of a right of intervention.[67]

The solution to "failed states," it appears, is UN peacekeeping. As Donnelly mentions, "in Somalia, Cambodia, and El Salvador, civil war created a roughly comparable breakdown, or at least exhaustion, of authority. The United Nations has stepped into that void." Donnelly emphasizes that these examples, which would also include the former Yugoslavia and Soviet Union, do not set "precedents for broader humanitarian intervention." Nevertheless, Donnelly argues that in cases where "sovereignty has become problematic" the UN has an "opportunity to intervene coercively."[68]

Liu conceived of UN action to alleviate the suffering caused by internal conflicts. Foreshadowing UN operations in Bosnia and Somalia, Liu wrote in 1991 that the UN should "develop a new type of peacekeeping operation... which would be able to carry out humanitarian activities in civil war situations without getting involved in internal political problems." Liu recognized that such an operation was not risk-free, that it "might embroil [the UN] in internal political problems." Nevertheless, he felt that "the effort [was] worth undertaking."[69]

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[67] Steven E. Goldman, "A Right of Intervention Based Upon Impaired Sovereignty" World Affairs 156/3 (Winter 1994): 124-129.

[68] Jack Donnelly, "Human rights, humanitarian crisis, and humanitarian intervention" 48 International Journal (Autumn 1993): 635. Also see Francis Mading Deng, "State Collapse: The Humanitarian Challenge to the United Nations" in Collapsed States: 207-219.

Even sceptics of the UN's capability appear to acknowledge a growing humanitarian regime. For instance, Damrosch has stated that "the prevailing trend today is to take seriously the claim that the international community ought to intercede to prevent bloodshed with whatever means are available." The focus no longer rests on "condemning or justifying intervention in principle, but rather on how best to solve practical problems of mobilizing collective efforts to mitigate internal violence." She even suggested that there has been "an impressive transformation toward mobilizing collective energies to restrain violators of international norms and perpetrators of internal violence."[70]

In sum, there is a strong view that humanitarian intervention has been gaining currency of late. The argument that human rights supersede state sovereignty has been gaining support, and, more precisely, it is the UN which is morally obliged to intervene into internal conflicts. The concept of the "failed state" was brought forward to suggest that some countries are simply incapable of responding to domestic conflict. In addition, it has been argued that human rights atrocities are being largely committed by illegitimate regimes who lack full sovereignty. Thus, these governments are undeserving of sovereignty's protection from intervention. Finally, it was suggested that the UN is obliged to conduct humanitarian interventions and other operations, like peacekeeping, which occur inside of states.

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[69] F.T. Liu, "Peacekeeping and Humanitarian Assistance" in Soldiers, Peacekeepers and Disasters: 50-51. In the same volume, UN official James Jonah also promoted the creation of a type of peacekeeping for humanitarian support. See Jonah, "Developing a United Nations Capacity:" 82-96.

[70] Damrosch, "Concluding Reflections:" 361-364.

THE INSTITUTIONAL CAPABILITY DIMENSION

There is an extensive literature on the effectiveness of the United Nations in resolving international conflict. There have been statistical studies which assess the record of the UN in maintaining international peace and security by comparing UN involvement and success with the number of conflicts.[71] In addition, much has been written on international legal aspects pertaining to the UN's role in the maintenance of peace.[72] There have also been qualitative analyses which have outlined typologies of UN activities, and have attempted to determine the factors which enable, or prevent, the UN from dealing with international conflict.[73] Finally, prominent UN officials have either written their memoirs, or have been subject of a biography, after they have finished their tour with the UN.[74] However, this study is concentrating its efforts on the examination of internal conflict. Therefore, the only literature that will be assessed is that which is directly tied to issues of UN intervention into *internal* conflicts.

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[71] See, for example, Ernst B. Haas, "Regime decay: conflict management and international organizations, 1945-1981" International Organization 37/2 (Spring 1983): 189-256; Jonathan Wilkinfield and Michael Brecher, "International crises, 1945-1975: The UN dimension" International Studies Quarterly 28/1 (March 1984): 45-67; Robert Lyle Butterworth, "Do Conflict Managers Matter? An Empirical Assessment of Interstate Security Disputes and Resolution Efforts, 1945-1974" International Studies Quarterly 22/2 (June 1978): 195-214; and Miall.

[72] See, for example, Rosalyn Higgins, Problems and Process: International Law and how we use it (Oxford, 1994); Arend and Beck; Damrosch and Scheffer; and N.D. White, The United Nations and the maintenance of international peace and security (Manchester, UK, 1990).

ii) The Case For Non-Intervention

Since its formation in 1945, the UN's institutional capability at effectively addressing internal conflicts has been criticised. Stanley Hoffman, citing the cases of the Congo and Lebanon, also viewed attempts by the UN to resolve internal conflicts by intervening into the domestic affairs of a state to have "been of very limited effectiveness."[75] Miller, after case studies of the UN's efforts in the Congo and Cyprus, determined that the reason for the UN's inability to resolve internal conflict was "the inadequate size of the peace forces, the restrictions imposed on their use of arms, and complex logistical problems."[76] Lefever, in a book on the Congo, argued that the UN "internationalized a local conflict crisis and intensified the political conflict."[77] This was as a result of ONUC being handed a mandate which involved "both a peacekeeping and peacemaking function." According to Lefever, this dual mandate "overloaded" the UN's "fragile instrumentality."[78]

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[73] See, for example, Inis L. Claude, Jr., Swords into Plowshares: The Problems and Progress of International Organization Fourth Edition (New York, 1971); Sydney D. Bailey, How Wars End: The United Nations and the Termination of Armed Conflict Vol. II (Oxford, 1982); and John Gerard Ruggie, "The United States and the United Nations: toward a new realism" International Organization 39/1 (Spring 1985): 343-356.

[74] See, for example, Trygve Lie, In the Cause of Peace (New York, 1954); Brian Urquhart, Hammarskjöld (New York, 1972); Kurt Waldheim, Building the Future Order: The Search for Peace in an Interdependent World (New York, 1980); and Brian Urquhart, A Life in Peace and War (New York, 1987).

[75] Stanley Hoffman, "The Problem of Intervention" in Intervention in World Politics: 21-22.

In short, during the Cold War the UN was ineffectual at dealing with internal conflicts. As Appendix A illustrated, there were only 4 internal operations between 1945-1987, and in only two of these, the Congo and Cyprus, was the UN a major factor. Even in these two cases the effectiveness of the peacekeepers have been a source of much debate.[79] Finally, as Mackinlay has noted, the UN may have been involved in internal conflicts, but it was ineffective. Moreover, "the lessons of these experiences had never been systematically collated."[80]

The UN's record regarding internal conflicts during the Cold War may have been bleak, but since that time, there have been increasing demands that it was now legally permissible, and morally required, for the UN to intervene into internal conflicts. However, critics have responded by suggesting that legal and moral arguments are outweighed by those of compliance, enforcement, and legitimacy. They point out that the UN "should take into account not only what is *permissible* under the Charter but also what is *feasible* at the practical level."[81] Many writers have examined the record of the UN in its recent attempts to resolve internal conflict, and have found it wanting. Mandelbaum has concluded that a pattern has emerged of "agreement in principle, paralysis in practice."[82] The UN has not been reluctant to intervene into internal conflicts, but it has been ineffective in resolving them.

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[76] Miller: 165.

[77] Ernest W. Lefever, Uncertain Mandate: Politics of the U.N. Congo Operation (Baltimore, 1967): 207.

[78] Ibid: 221.

[79] See Chapter Three for criteria to assess the effectivenss of UN peacekeeping operations.

[80] Mackinlay, "Improving Multifunctional Forces:" 153.

David Kay, in a critique of Helman and Ratner's concept of the "failed state," offered some stern comments about the UN's performance in Namibia. Kay concluded that, "the result is an institution that as of now is almost certainly unable to carry out the tasks the authors set for it --- and that should be obvious from the record."[83] Thus, Kay argued that while failed states exist in need of help, the UN has been incapable of providing it.

Even those studies, which eventually conclude that the UN should go ahead and intervene in internal conflicts, have acknowledged the inadequacy of the UN's past record. For example, *Enforcing Restraint*, which examined six incidents of international institutions intervening into internal conflicts, determined that the performance of international institutions was

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[81] Olara A. Otunnu, "Maintaining Broad Legitimacy For United Nations Actions" in Keeping the Peace in the Post-Cold War Era: 78.

[82] Michael Mandelbaum, "The Reluctance to Intervene" Foreign Policy 95 (Summer 1994): 17.

[83] David A. Kay, "Letters" Foreign Policy 90 (Spring 1993): 169-170.

> far from optimal. Even the United Nations, with greater expertise and at least potentially greater resources than regional groups, has found its effectiveness hampered by a variety of circumstances, some of which pertain to the nature of the conflict and some to structural aspects of the organization.[84]

The most frequent explanation for the UN's ineffectiveness is that it was never designed for resolving interstate conflict. As a 1992 Brookings Institute study stated

> the international community does not have the security mechanism that would be required to control serious civil violence. The available apparatus of diplomatic mediation backed by the imposition of economic sanctions or even by threatened military intervention requires a corresponding political structure to have any constructive effect.[85]

As a result, the UN failed to develop "a more sophisticated approach to the new middle area of contingencies, which did not fit any of the previously tried operational formulas of the Cold War."[86] Instead it has relied on a peacekeeping tool that "is in the gray area between peace-keeping and all-out war-fighting."[87]

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[84] Damrosch, "Introduction" in Enforcing Restraint: 13.

[85] Quoted in Maynes: 10.

[86] Mackinlay, "Improving Multifunctional Forces:" 152.

[87] Ruggie, "Wandering in the Void:" 28.

Mackinlay asserts that "at present" the UN "is too fragile" for successfully resolving internal conflict.[88]

Even those who believe that the UN can play a role in the resolution of internal conflict argue that the UN needs to seriously alter its organizational structure to enable it to respond to its new responsibilities. For instance, Brian Urquhart has acknowledged that "international organizations are not able to deal effectively, and when necessary forcefully, with violent and single-minded factions in a civil war."[89]

Adam Roberts has also identified a series of deep practical problems which would face the UN in any case of intervention into an internal conflict. These include: overestimating the ability of military force to produce peace on its own; the difficulties in remaining impartial; the fear of a return to colonialism; the need for a long-term commitment by the interveners; the UN's ability to supply the necessary amount of military force; and the population may treat the UN forces as an invading army.[90]

Also leery about the effect of UN intervention in internal conflicts is Damrosch. Her concerns include: the risk of escalating rather than confining the violence; the fear of drawing other states in the conflict; participating states may attempt to achieve political aims instead of the altruistic motive of protecting human rights; and doubts over whether military force can be an effective instrument against human rights violations.[91] Damrosch concluded that

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[88] MacKinlay, "Improving Multifunctional Forces:" 157.

[89] Brian Urquhart, "For a UN Volunteer Military Force" The New York Review of Books (June 10, 1993): 8.

[90] Roberts, "Humanitarian war:" 445-448.

> the political reality is that effective action comes about when one or more strong states have interests that motivate them to take initiatives; otherwise, inertia generally prevails. Institutions provide arena for action, but they have heretofore lacked autonomous capabilities.[92]

With continual failures in internal conflict peacekeeping, some critics warn of even direr consequences. Berdal argued that this "will only reinforce the perception... of UN impotence and irrelevance." This "further undermine[s] the credibility and long-term legitimacy of the UN as a whole."[93] In addition, Ruggie has argued that if the UN continues along its present course, then "its newly constructed house of cards will collapse and take traditional peacekeeping as well as humanitarian intervention down with it."[94]

In sum, the UN, due to institutional constraints, is incapable of resolving internal conflict. The basis of their argument has been the record of the UN in recent peacekeeping operations. The primary reason cited is that the UN was designed to prevent inter-state, not intra-state, conflict. Factors which were highlighted include: command and control, logistics, impartiality, military force, civilian population, and member state commitments. Finally, some writers warn that continual UN failures in internal conflicts can damage its ability to accomplish less difficult operations.

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[91] Damrosch, "Commentary:" 220-221.

[92] Damrosch, "Concluding Reflections:" 361-364.

[93] Berdal, Whither UN Peacekeeping?: 32.

[94] Ruggie, "Wandering in the Void:" 27.

ii) The Case For Intervention

To make the case that the UN has the institutional capability to intervene effectively into internal conflicts, the UN's performance during the Cold War must be reconciled. It has been acknowledged that the UN was absent from many of the internal conflicts which flared during the Cold War; nevertheless, it is argued that in those instances where the UN did intervene it was effective. According to Evan Luard, the UN

> has maintained the peace; it has restored the status quo; it has protected territorial integrity; and it has in one or two cases even reduced the intensity of great-power conflict in an area where it might otherwise have been intense.[95]

The end of the Cold War has sprung an optimism that the UN can now fulfil its potential. Not surprisingly, the major spokesman for this position has been the UN's Secretary-General Boutros Boutros-Ghali. In *An Agenda for Peace*, Boutros-Ghali wrote that "its security arm, once disabled by circumstances it was not created or equipped to control, has emerged as a central instrument for the prevention and resolution of conflicts and for the preservation of peace."[96]

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[95] Evan Luard, "Collective Intervention" in Intervention in World Politics: 178.

The major argument that has been made supporting the UN's institutional capability to effectively intervene in internal conflicts is its foundation as a universal organization dedicated to the preservation of international peace and security. For instance, Durch and Blechman assert that the UN is "ideally suited" for resolving internal conflict.[97] This is because the UN is representative of the entire international community, is not beholden to any one state, has no army of its own, its only interest is peace, and it will leave when the operation is over.

It is the UN's legitimacy which has been constantly cited as its major asset. For Hoffman, "from the viewpoint of global legitimacy, despite all the reservations that the present composition of the Security Council provokes, the UN remains the main source of authority."[98] "Action through the UN," as Blechman has noted, "both legitimates and sanctions military interventions in the eyes of domestic and foreign audiences."[99] For Goulding, "it was this United Nationsness which... made United Nations peacekeeping operations acceptable to member states who would not otherwise have accepted foreign troops on their territory."[100] Therefore, the legitimacy of UN intervention extends to the intervening state, the parties to the conflict, and the greater international community.

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[96] An Agenda for Peace: para. 15.

[97] Durch and Blechman: 15.

[98] Hoffman, "The Politics and Ethics of Military Intervention:" 40.

[99] Barry M. Blechman, "The Intervention Dilemma" The Washington Quarterly 18/3 (Summer 1995): 67.

According to Durch and Blechman, it is the UN's legitimacy which has enabled it to perform such critical tasks as disarming factions, repatriating refugees, providing public security and civil administration functions, and organizing/monitoring elections. The UN's role in an internal conflict gives the peace process credibility and grants the new regime legitimacy. "Other election observer groups can contribute, but cannot readily match" the UN's ability in this area. Moreover, since the UN has already set precedents for such actions, for example, Namibia and El Salvador, it appears that the future will see further demands placed on it. These demands will include not only mediating or supervising peace settlements, but also assuming control of a country's civil administration during the peace process.[101]

While Durch and Blechman are optimistic about the UN's institutional ability once dispatched, they warn that the

> decision to intervene would depend upon the specific circumstances, the views of the great powers, and the views of the regional neighbors of the troubled state, who might well request UN intervention if the troubles were to produce substantial flows of refugees *and* they knew there was an alternative to simply watching events unfold.[102]

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[100] Goulding: 454.

[101] Durch and Blechman, Keeping the Peace: 15.

[102] Ibid: 20.

In sum, an argument has been made that the UN is institutionally capable of effectively intervening in internal conflicts. With the constraints of the Cold War now removed, the UN can assume the role for which it was intended. The UN's universality and impartiality gives it the institutional capability of effectively addressing internal conflicts. Finally, the UN possesses a level of legitimacy that other forms of intervention (unilateralism, multilateral coalitions, or regional organizations) do not.

CONCLUSION

The debate over the role of state sovereignty and the principle of non-intervention has been a major feature of the study of international relations. This chapter has explored the view that the principle of non-intervention must be maintained. It has also examined the view that UN intervention, particularly a right of humanitarian intervention, has become, and will continue to grow, more acceptable. It is interesting to note that both sides of the debate are arguing along similar issue planes. Those in favour, and those opposed, to UN intervention in internal conflicts utilize legal, moral, and institutional arguments to buttress their various opinions. The aim of this chapter was to collate these views in a systematic fashion. The final chapter of this dissertation will re-examine these arguments in light of the experience of the peacekeeping operations in Cambodia, Somalia, and Bosnia.

CHAPTER THREE

MEASURING THE EFFECTIVENESS OF UN PEACEKEEPING OPERATIONS[1]

In the litany of peacekeeping studies one subject remains strangely silent: How does one judge whether a peacekeeping operation has been effective or not? It is important to recognize that *effectiveness* is being used here, rather than *success*. This is despite the fact that the common term in the peacekeeping literature has been operational success. However, success or failure implies a black or white situation, while effectiveness is a much more nuanced term. In addition, when the term success is used to describe a peacekeeping operation, it tends to assess the conflict, rather than the operation itself. This is an important consideration because like the old joke that "the operation was a success, but the patient died," it is possible for a peacekeeping operation to have been effective, and still have the conflict resurfacing following the withdrawal of the peacekeepers. It is for these reasons that operational effectiveness will be used instead of success.

With the exception of brief sections in Marjorie Brown's "United Nations Peacekeeping: Historical Overview and Current Issues"[2] and Paul Diehl's *International Peacekeeping*, writers have neglected to specify what exactly constitutes an effective operation. Instead, they choose to use "face validity"[3] to determine operational effectiveness. For example, it was obvious to most observers that the operation in Namibia was effective, but the one in Lebanon was not. However, this is not a very systematic procedure, nor does it recognize degrees of effectiveness. Moreover, it is susceptible to serious problems when the operation in question possesses a mixed record. What happens when the peacekeepers are effective in some respects, but ineffective in others? It is true that, as Thomas Weiss rightly pointed out, not only is effectiveness ambiguous, but that "the time frame used to measure the durability of results" makes it difficult to gauge.[4] Nevertheless, a systematic attempt to define effectiveness has to be fundamental to an understanding of peacekeeping.

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[1] A version of this chapter will be published. Duane Bratt, "Assessing the Success of UN Peacekeeping Operations" International Peacekeeping 3/4 (Winter 1996).

[2] Marjorie Brown, United Nations Peacekeeping: Historical Overview and Current Issues Report for Congress (Washington, D.C., 1993).

The importance of defining effectiveness becomes even more critical when its connection with performance evaluations is considered. While there has recently been a multitude of so-called "lessons learned" reports which have emerged in the wake of usually failed operations, these analyses have not been based on an explicit definition of effectiveness. In a strictly theoretical sense, it is simply wrong to classify operations as effective or ineffective without reference to some objective standard. From a more practical point of view, the failure to conceptualize peacekeeping effectiveness can lead to misguided policies. This is because the UN Secretariat and member states rely on such studies to make decisions about future peacekeeping operations. Thus, a systematic attempt to define effectiveness is not only fundamental to understanding but also to evaluating peacekeeping which is an important input to decisions about future peacekeeping operations.

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[3] Paul F. Diehl, International Peacekeeping (Baltimore, 1993): 36.

[4] Weiss, "The United Nations and Civil Wars:" 197.

This chapter will complete two tasks. First, it will develop criteria for measuring the effectiveness of peacekeeping operations. Second, it will apply these criteria to the 32 UN peacekeeping operations which have been conducted between 1945-96.[5] Each operation will be judged whether it was effective, moderately effective, or ineffective. Once this has been completed, an overall assessment of each operation's effectiveness will also be made.

INDICATORS OF OPERATIONAL EFFECTIVENESS

A necessary first step is to examine what criteria have been developed by the other two authors (Brown and Diehl) to assess peacekeeping effectiveness. Brown identified three different ways: 1) was the mandate, as specified by the appropriate Security Council resolution, fulfilled? 2) did the operation lead to a resolution of the underlying disputes of the conflict? and 3) did the presence of the operation contribute to the maintenance of international peace and security by reducing or eliminating conflict in the area of the operation?[6] Meanwhile, Diehl utilized two criteria: 1) was the operation able to limit armed conflict? and 2) did the operation facilitate conflict resolution?[7]

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[5] This study has made a few changes in how it totals the number of peacekeeping operations. First, the peacekeeping operations in Cambodia, Somalia, and Bosnia will be exempt from this analysis because their effectiveness will be studied in greater detail in the case study chapters. Second, the operations in Haiti and Rwanda have been split into two (UNMIH I, UNMIH II, UNAMIR I, UNAMIR II) with the dividing line being the UN-authorized military intervention which occurred in both countries. Third, UNAVEM III (created in February 1995), UNTAES (created in January 1996), UNMOP (created in January 1996), and UNSMIH (created in June 1996) have been excluded because the operations have just been established.

This section will use three of the indicators of effectiveness that were identified by Brown and Diehl (mandate performance, facilitating conflict resolution, and containing the conflict). In addition, it will alter Diehl's criteria of limiting armed conflict to whether the operation was able to limit casualties. This change was made for two reasons. First, while Diehl only took into account combatant deaths, a more encompassing assessment should also include civilian deaths. In addition, Diehl's indicator does not include civilian deaths that were indirectly caused by conflict, for example, civilians who died of natural causes that could have been prevented had humanitarian aid shipments not been blocked because of the fighting. Although this would be difficult to measure, there is a need to count not only deaths directly caused by armed conflict, such as victims of sniper fire, landmines, and terrorist bombings, but also those attributed to more indirect causes such as famine and disease.

The second reason to change "limiting armed conflict" to "limiting casualties" is because special attention should also be given to peacekeeper fatalities. This is because a high level of peacekeeper casualties usually illustrates that one, or more, of the combatants considers them a party to the conflict. This indicates that the peacekeeping force has lost its ability to act as an impartial referee in the conflict, with the result usually being an ineffectual operation. More importantly, when peacekeepers die it places domestic pressure on the contributing state to withdraw its forces. This pressure will occur even when peacekeeper deaths have not been caused *directly* by enemy fire, such as in road accidents or while defusing mines. The people back home do not always care *how* their soldiers have died, just the fact that they have died. The subsequent domestic pressure from participating states that results from peacekeeper fatalities negatively affects peacekeeping in two ways. First, it can substantially weaken the capability of the current operation. A good example occurred in Rwanda when Belgium, following the death of 10 of its troops, withdrew its entire contingent, which seriously eroded UNAMIR I's capability. Second, it could have considerable repercussions on future peacekeeping operations. Contributing states could refuse to supply forces, if a pattern of peacekeeping deaths emerged.

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[6] Brown: 20-29.

[7] Diehl: 36.

Although this section is indebted to the work done by Brown and Diehl, it makes several significant improvements. First, there is the expansion of Diehl's limiting armed conflict indicator to limiting casualties. This change allows for a better assessment of operational effectiveness by including civilian and peacekeeper fatalities. Second, it critically assesses the validity and relative importance of each of the four indicators of operational effectiveness in a more comprehensive fashion than either of the two other authors. Diehl only did this partially for his two indicators, and Brown neglected to assess her criteria at all. Third, by combining the different criteria identified by Brown and Diehl it takes advantage of the contribution that each had made. This also allows for a common frame of reference for the assessment of peacekeeping effectiveness to be developed. Fourth, this section will utilize these criteria to assess systematically the effectiveness of every UN peacekeeping operation.[8] This approach allows for a more thorough evaluation of the overall record of UN peacekeeping than the selected case studies approach utilized by Brown and Diehl.[9]

In deciding to use the indicators of mandate performance, facilitating conflict resolution, conflict containment, and limiting casualties, some potential indicators have been dismissed. For example, in a review of Diehl's book, Robert C. Johansen suggested two additional criteria: 1) "assess the effect of peacekeeping forces on local people affected by their work;" and 2) "compare the degree of misunderstanding, tension, or violence that

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[8] The peacekeeping operations in Cambodia, Somalia, and Bosnia will be exempt from this analysis because their effectiveness will be studied in greater detail in the case study chapters. In addition, UNAVEM III (created in February 1995) and UNTAES (created in January 1996) are also excluded because it is too early to provide an accurate assessment of the missions.

[9] Brown examined UNTSO, ONUC, UNFICYP, UNEF I, UNEF II, and UNDOF, while Diehl examined UNEF I, UNEF II, ONUC, UNFICYP, UNIFIL, and the non-UN Multinational Force (MNF) in Lebanon.

occurs in the presence of UN peacekeepers to the estimated results of balance-of-power activity without peacekeeping."[10] While both these indicators may offer some insights into how we conceive of peacekeeping effectiveness they will not be used in this study. The first indicator, an operation's effect on the local people, will not be used because it remains conceptually vague. In particular, there are many variables which could be used to determine an operation's effects on the target country's population. Two problems, from among many, would be determining which people are examined (the population as a whole, or do we separate on the basis of age, gender, class, political affiliation, etc.); and second which factors do we consider (living conditions, economic standing, type of political system, etc). There is a definite utility in assessing the effectiveness of a peacekeeping operation on the basis of an operation's effects on the target population. This is why civilian deaths are taken into consideration. However, it would be comparatively more difficult to examine different segments of society. Meanwhile, the second criteria is not used because it relies on speculating on what would have happened had the peacekeepers not been deployed. For example, it is very difficult to assess what would have been the result in Bosnia, if the international community had either conducted a Desert Storm operation, or had done nothing. One can assess objectively the performance of an operation that has occurred, but it is delving into the realm of psychic predictions to say what the results of an unchosen option might have been.

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[10] Robert C. Johansen, "U.N. Peacekeeping: How Should We Measure Success?" Mershon International Studies Review 38 (1994): 309-310. The suggestion that peacekeeping effectiveness should be determined by assessing "the effect of the operation on the people in those countries in which the mission are deployed" was also made in Whitworth: 428.

i) Mandate Performance

The first indicator to be used is whether the peacekeeping operation effectively completed its mandate. This can be determined by examining the peacekeeping operation's stated mandate, as set out in Security Council resolutions, and judging whether it was adequately completed. This is a relatively straight-forward procedure. For example, if the peacekeepers were to disarm the combatants, the analyst would simply determine the extent to which this had occurred.

On the surface, the use of mandates to judge a peacekeeping operation appears to be quite sound. After all, an operation's mandate outlines the tasks required of it. This makes it very easy to determine its effectiveness. All an analyst has to do is determine whether the assigned tasks were adequately completed by the peacekeepers. This is why mandate assessment has been the predominant tool for assessing operational effectiveness.

However, many critics argue that the singular use of mandate performance is inadequate.[11] As Diehl noted, "the mandates given operations are frequently vague, and there is much room for debate on the scope and detail of the operation's missions; this alone makes it difficult to assess whether the designs of the mandate have been achieved."[12] Secondly, as one DPKO official stated, "you can get a completely unrealistic mandate that was cooked up to satisfy the Security Council member's domestic political interests. Nobody on the Council in their wildest dreams thought the mandate would ever be implemented."[13] For example, UNIFIL's mandate was to restore the authority of the disintegrated Lebanese government, but as one commentator noted, the Security Council was, in effect, asking UNIFIL to "raise a Lazarus."[14] Further, as the earlier DPKO official remarked, "there is still the possibility of having a useful and constructive international presence, and doing good things and improving the situation. Even though there's no real approximation of the mandate, and nobody ever expected there would be."[15] Is it fair to judge an operation as ineffectual because the peacekeepers did not complete an impossible mandate, despite the fact that they still accomplished certain aspects of it? Nevertheless, an operation's mandate cannot be ignored because it does represent the wishes of the Security Council. In addition, of the four indicators, only an operation's mandate is a unique measurement. Thus, while it may require some effort to weigh the various aspects of an operation's mandate it is a valid assessment of peacekeeping effectiveness.

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[11] Most authors use only mandate performance as the only criteria of operational success or effectiveness. For example, Alan James conceives of success as "the successful implementation of the mandate and not, necessarily, a substantive settlement." James, "post-Cold War era:" 259.

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[12] Diehl: [illegible]3.

[13] Confidential interview, New York, Nov 9, 1994.

[14] Mona Ghali, "United Nations Interim Force in Lebanon: 1978-Present" in The Evolution of UN Peacekeeping: 197.

[15] Confidential interview, New York, Nov 9, 1994.

ii) Facilitating Conflict Resolution

The second indicator of effectiveness is whether the operation is able to facilitate the resolution of the conflict. A peacekeeping operation's ability to facilitate conflict resolution is determined by whether, in fact, a resolution of the underlying causes of the conflict had occurred. Conflict resolution requires a formal agreement between the warring parties, either a peace treaty or, for internal conflicts, some type of power sharing arrangement.

The reason that the second indicator is used is because that should be the ultimate aim of all UN efforts. Alan James and Fetherston et al have all asserted that a central function of peacekeeping, regardless of whether it was a traditional or second-generation operation, was to "provide assistance in resolving disputes."[16] In fact, the Security Council has, in recent cases, determined that a condition for continuing with the peacekeeping operation is the level of progress towards conflict resolution which has been made. For example, when the United Nations Observer Mission in Georgia (UNOMIG) was established, the Security Council noted that its mandate would be extended "based on a report from the Secretary-General whether or not substantive progress had been made towards implementing measures at establishing a lasting peace."[17] Even when it is not explicitly stated in its mandate, the deployment of a peacekeeping force may put the fighting in a holding pattern thus allowing negotiations to occur. For example, UNEF II did not have a mandate for conflict resolution, but its presence helped prevent further fighting and aided the political negotiations that led to the 1979 peace treaty between Egypt and Israel. The United Nations Force in Cyprus (UNFICYP) is an even better example of why conflict resolution is an integral part of operational effectiveness. UNFICYP may have been effective in separating Greek and Turk forces in Cyprus, but the conflict has been raging for over 30 years. In fact, as Birgisson has noted, "UNFICYP has managed to foster a semblance of calm and normalcy about the current situation that may indeed discourage dialogue between the two communities and, thus, a lasting political settlement."[18] In short, peacekeeping operations should be judged on the basis of conflict resolution, because the peacekeepers have the ability to either facilitate, or hinder, conflict resolution.

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[16] See Alan James, Peacekeeping in International Politics (London, 1990): 5 and A.B. Fetherston, O. Ramsbotham, and T. Woodhouse, "UNPROFOR: Some Observations from a Conflict Resolution Perspective" International Peacekeeping 1/2 (Summer 1994): 180-181.

However, there are also disadvantages to using conflict resolution as the sole indicator of operational effectiveness. Principally, it places events beyond the control of the peacekeeping force. Peacekeepers can facilitate conflict resolution, but, in the end, it is the responsibility of the combatants to "kiss and make up." In addition, the operation may not even be mandated to attempt conflict resolution, as was the case in the UN's operation in Afghanistan. The United Nations Good Offices

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[17] S/Res/858, 24 August 1993.

[18] Karl Th. Birgisson, "United Nations Peacekeeping Forces in Cyprus" in The Evolution of UN Peacekeeping: 234.

Mission in Afghanistan and Pakistan (UNGOMAP) was effective in supervising the Soviet withdrawal from Afghanistan, but it "did not affect the situation in Afghanistan or the surrounding region significantly" as the "civil war continued unabated."[19] Moreover, if the conflict re-ignites following the withdrawal of the peacekeepers, does that mean the operation, which may have formerly been deemed effective, must now be relegated to the ineffectual operation pile? How long is a peacekeeping force supposed to be responsible for the outcome of the conflict? Five years? Ten years? Ultimately, conflict resolution lies with the parties to the conflict, but the peacekeepers must make every effort to achieve a lasting political settlement. This is because the maintenance of international peace and security can only be ensured through the resolution, not simply the mitigation, of conflicts. Thus, despite some difficulties in measurement, facilitating conflict resolution is an appropriate way to assess the effectiveness of peacekeeping operations.

iii) Conflict Containment

The third indicator of operational effectiveness is conflict containment. This is determined by whether the operation prevented either super powers or neighbouring states from intervening into the conflict. In addition, an operation will be considered to have been ineffectual at containing the conflict even if the intervention is authorized by the UN. For example, the United Nations Mission in Haiti (UNMIH I) must be considered a failure at conflict containment because the UN Security Council felt it necessary to authorize a multinational force, under Chapter VII, to intervene in Haiti.

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[19] Karl Th. Birgisson, "United Nations Good Offices Mission in Afghanistan and Pakistan" in The Evolution of UN Peacekeeping: 309.

Assessing an operation's ability to contain the conflict is used because sometimes the sole rationale for deploying UN peacekeepers is to prevent the conflict from escalating. For example, UNEF I was deployed because of fears that the crisis in the Suez might draw in the Soviets and the Americans. Therefore, even if UNEF I could not find a solution to the Egyptian-Israeli conflict, it was effective in preventing a potential World War III. An operation's effectiveness in containing the conflict is just as important as its mandate performance.

Nevertheless, conflict containment should not be the only objective of a peacekeeping operation. In some cases there is little threat of the conflict expanding. In addition, since the 1974 Turkish invasion of Cyprus, UNFICYP has strongly aided efforts at keeping Greece and Turkey from going to war. But must it remain in Cyprus indefinitely? Thus, containment is not enough; eventually resolution must take place.

iv) Limiting Casualties

The final indicator of effectiveness for a UN peacekeeping operation is whether it limited the casualties of combatants, civilians, and peacekeepers. This is determined by comparing casualties in the conflict prior to, and after, the deployment of the peacekeeping operation. In general, an effective operation is one in which there has been a significant improvement in casualties from the beginning of the operation. Meanwhile, a moderately effective operation occurs when, after some periodic flare-ups, it is eventually able to limit casualties. Finally, an operation is considered to have been ineffective at limiting casualties, if it has had little or no effect on the overall rate of casualties.

Limiting casualties is a useful indicator of operational effectiveness because if the peacekeepers can limit the number of deaths, even if they are unable to ultimately resolve the conflict, they have made a significant contribution. The example of UNEF I's deployment in the Suez, which halted the joint offensive by Israeli-French-British troops, illustrated how peacekeepers can limit casualties by preventing armed conflict. Likewise, peacekeeping operations, particularly those with primarily humanitarian mandates, have the ability to greatly limit civilian casualties. For example, the United Nations Assistance Mission in Rwanda II (UNAMIR II), which was deployed in Rwanda following France's intervention, has been successful in limiting fatalities through the provision of medical and food aid, and securing the refugee camps.

Admittedly, the use of this measurement can be problematic. For example, should an operation be considered to have been moderately effective if, after failing for two years, it succeeds in the third year at limiting casualties? What about comparing the actual casualties with what might have occurred without the presence of the peacekeepers? For example, would more civilians have died in the Congo if ONUC had not been established? A further problem arises when the fighting begins again once the peacekeepers leave. For example, UNEF I was formally requested to withdraw from the Suez by Egyptian President Nasser on May 16, 1967, and by June 5, the Six Day war had begun. Although it is likely that the war would have occurred regardless of the presence of UN peacekeepers, and in fact 30 peacekeepers were killed because they had not finished evacuating the area, it revealed the weakness of concentrating on stopping the immediate violence rather than addressing the root causes of the conflict. For over ten years UNEF I was very effective in limiting casualties, but the 1967 war greatly tarnished its reputation. Therefore, limiting casualties, no matter how many lives it initially saves, must be considered secondary to the ultimate resolution of the conflict. This is because an operation may save lives initially, but without a comprehensive resolution of the conflict, those saved may perish when the operation concludes. An operation has not been very effective if deaths are only prevented in the short term, and not in the long term.

EVALUATING THE EFFECTIVENESS OF UN PEACEKEEPING OPERATIONS

Now that criteria for assessing the effectiveness of UN peacekeeping operations have been developed, it is time to evaluate the operations. For each indicator of operational effectiveness, each peacekeeping operation will be judged whether it was effective, moderately effective, or ineffective. The results of this evaluation will be represented in tables accompanying a discussion of selected cases which will illustrate how the indicators were applied.

i) Mandate Performance

What has been the record of UN peacekeeping operations in effectively performing their mandates? Evaluating UN peacekeeping operations using mandate performance reveals that most operations have been effective (see Table 3.1). Of the 32 operations which were judged, there were 18 effective operations, 2 moderately effective ones, and only 12 operation which were deemed ineffectual. A prime example of an effective peacekeeping operation at mandate performance was UNEF I. UNEF I was given four tasks: 1) secure and supervise a cease-fire by forming a buffer zone between Anglo-French-Israeli and Egyptian forces; 2) supervise the withdrawal of foreign forces from Egyptian territory and the Suez canal clearing operations; 3) patrol border areas and deter military incursions; and 4) monitor the provisions of the Egypt-Israel Armistice Agreements in the Gaza Strip and in the Sinai.[20] These tasks were effectively carried out by UNEF I from its deployment in 1956 to its withdrawal in 1967.

TABLE 3.1

MANDATE PERFORMANCE

EFFECTIVE	MODERATELY EFFECTIVE	INEFFECTIVE
UNEF I, UNSF, UNFICYP, DOMREP, UNIPOM, UNEF II, UNDOF, UNGOMAP, UNIIMOG, UNAVEM I, UNTAG, ONUCA, UNIKOM, UNASOG, UNMIH II, ONUSAL, UNOMIG, ONUMOZ	ONUC, UNAMIR II	UNTSO, UNMOGIP, UNOGIL, UNYOM, UNIFIL, MINURSO, UNOMUR, UNOMIL, UNAMIR I, UNMOT, UNMIH I, UNAVEM II

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[20] GA/Res/1000, 5 November 1956.

An example of being moderately effective at mandate performance was UNAMIR II. Following the Rwandan genocide in 1994, which had led to the withdrawal of UNAMIR I and an humanitarian intervention by France, UNAMIR II was established. The essential features of UNAMIR II's mandate were: 1) to act as an intermediary between the parties in an attempt to secure their agreement to a cease-fire; 2) assist in the resumption of humanitarian relief operations; 3) contribute to the security and protection of civilians at risk in Rwanda of secure humanitarian areas; 4) provide security and support for humanitarian relief operations; and 5) establish and train a new civilian police force.[21]

UNAMIR II has been able to complete several aspects of its mandate: a cease-fire was established; humanitarian relief operations by UN agencies and NGOs resumed; and a humanitarian protected zone was established. Although the French intervention was primarily responsible for these achievements, UNAMIR II has been able to maintain them. Nevertheless, there are certain aspects of UNAMIR II's mandate which have not been fully realized. For example, UNAMIR II has been largely unsuccessful in its efforts at creating and training a new civilian police force. A more serious gap in its mandate performance was its inability to protect the refugees in the camps that were established in Zaire.[22] As the UN reported, "acts of intimidation and violence within the refugee camps have inhibited the refugee population from choosing to return home."[23] More ominously, the former Rwandese army is believed to be using the camps to train and rearm for a future invasion of Rwanda.

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[21] S/Res/912, 21 April 1994, S/Res/918, 17 May 1994, and S/Res/965, 30 November 1994.

[22] An indication of the seriousness of the situation inside the refugee camps is the fact that the UN Secretariat sought authorization for a new military force to provide security for the camps, but this request was turned down by the Security Council. S/1994/1308, 18 November 1994 and S/Prst/1994/75, 30 November 1994.

There is little doubt that UNAMIR II has failed to perform certain important features of its mandate. However, it must still be considered to have been moderately effective. This is because, as the Secretary-General reported in 1996, "conditions in Rwanda are returning to normal."[24] This is particularly evident with regards to the humanitarian situation. For example, the inhabitants of the refugee camps, even if they are being prevented from returning home, are being furnished with food and medicine. In addition, the cease-fire, despite some sabre-rattling by the former Rwandese army, has held. In short, UNAMIR II's performance has not been perfect, but when compared with the humanitarian tragedy that existed prior to its deployment, it must be viewed as being moderately effective.

An example of an operation which was ineffective at performing its mandate was MINURSO.[25] In 1991, MINURSO was established to conduct an independence referendum in the Western Sahara. Both Morocco, which claims the Western Sahara as its territory, and the pro-independence group the Frente Popular para la Liberacion de Saguia el-Hamra y de Rio de Oro (POLISARIO) signed a comprehensive agreement to allow the referendum to take place.

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[23] S/1994/1133, 6 October 1994.

[24] S/1996/149, 29 February 1996.

[25] For an excellent case study on MINURSO see Durch, "Building on Sand:" 151-171.

MINURSO's mandate included: identify and register legitimate voters; establish a ceasefire; monitor the withdrawal of a portion of Morocco's forces and cantonment of all other forces from both sides; conduct a referendum choosing between West Saharan independence or integration with Morocco; suspend any local laws that would impede a free and fair vote; repatriate refugees; certify the referendum results; and supervise the loser's military withdrawal (Morocco) or disarmament (POLISARIO).[26] Unfortunately, no aspect of this peace plan was ever implemented, and in 1992, the UN indefinitely postponed the referendum. MINURSO continues to remain operational as it tries to negotiate a new referendum strategy between Morocco and POLISARIO, albeit at a greatly reduced size, but must be judged as having been ineffectual at performing its mandate.

ii) Facilitating Conflict Resolution

Evaluating peacekeeping operations on the basis of whether they facilitated conflict resolution shows that most operations have been largely ineffectual (see Table 3.2). In fact, there have been twice as many ineffectual operations as there have been effective ones. An exception was UNTAG, which assisted and monitored Namibia's transfer from a South African colony to independence, and provides an excellent example of how a peacekeeping operation can facilitate conflict resolution. Although UNTAG's military responsibilities, like monitoring the cease-fire and the phased withdrawal of South African troops, were a necessary

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[26] S/23299, 19 December 1991.

TABLE 3.2

FACILITATING CONFLICT RESOLUTION

EFFECTIVE	MODERATELY EFFECTIVE	INEFFECTIVE
UNSF, DOMREP, UNEF II, UNAVEM I, UNTAG, ONUCA, ONUSAL, ONUMOZ, UNMIH II, UNASOG,	ONUC, UNIIMOG	UNTSO, UNMOGIP, UNEF I, UNOGIL, UNYOM, UNFICYP, UNIPOM, UNDOF, UNIFIL, UNGOMAP, UNOMUR, UNAVEM II, MINURSO, UNAMIR I, UNOMIG, UNOMIL, UNMOT, UNAMIR II, UNMIH I, UNIKOM

contribution to peace, it was UNTAG's work in the political sphere which most facilitated the resolution of the Namibian conflict. UNTAG may not have organized and conducted the election, but it supervised the drafting of the electoral law and ensured that the South African authorities met the necessary conditions for a free and fair election. Of particular significance was UNTAG's effective monitoring of the South African Police, who were still responsible for the maintenance of law and order in Namibia, to ensure that they were not being used for political intimidation. Thus, UNTAG facilitated conflict resolution by lending its legitimacy and expertise to the electoral process, and consequently, the electoral results, which led to the transition to Namibian self-rule.

Determining whether a peacekeeping operation facilitated conflict resolution is quite easy in cases like Namibia. Where it becomes problematic is in cases where there has been significant movement by the combatants towards conflict resolution, but where substantial threats to a renewal of the conflict still remain. In these instances, the peacekeepers must be viewed as having been moderately effective. Representative of this scenario was ONUC, which operated in the Congo from 1960 to 1964 under a mandate which eventually included three chief components: 1) prevent a civil war between the central government in Leopoldville and the secessionist movement in the province of Katanga; 2) assure the withdrawal of foreign mercenaries (primarily Belgian) from the Congo; and 3) render law and order support.[27]

ONUC was a controversial operation. Primarily this concerned ONUC's financing and its use of force. However, ONUC's role in facilitating conflict resolution, which is what is being assessed here, also created a strong reaction from several member states. ONUC was seen, correctly, as an agent of the Congolese central government in Leopoldville as it used force to put down the secession attempt in Katanga. This was best illustrated through the implementation of UN Secretary-General U Thant's "Plan for National Reconciliation,"[28] which involved a two-phased military operation by ONUC against the Katangan gendarmerie.[29] In addition, the UN also chose sides in the power struggle in Leopoldville, by a policy which, according to Thant's predecessor, Dag Hammarskjold, "in practice favoured and was designed to favour [Congolese President Joseph] Kasavubu" over the Prime Minister Patrice Lumumba.[30] Thus, one of the basic peacekeeping principles, impartiality, had been forsaken in the drive to keep the Congo united.

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[27] The UN resolutions which contained ONUC's evolving mandate were: S/4387, 14 July 1960; S/4405, 22 July 1960; A/4510, 20 Sept 1960; S/4741, 21 Feb 1961; and S/5002, 24 November 1961.

[28] Which had actually been given to Thant by the US. Alan James, "The Congo Controversies" International Peacekeeping 1/1 (Spring 1994): 53.

[29] For a brief summary of this military operation see Major-General (Ret.) Indar Jit Rikhye, "The United Nations Operation in the Congo: Peacekeeping, Peacemaking and Peacebuilding" in Beyond Traditional Peacekeeping: 215-216.

[30] Quoted in James, "The Congo Controversies:" 47.

Nevertheless, ONUC, despite the serious problems that it encountered, should be viewed as having been moderately effective in facilitating conflict resolution in the Congo. It kept the country united by stabilizing the central government, and preventing Katanga's secession. In addition, it smoothed out the Congo's independence from Belgium, and the creation of the new state of Zaire. What diminished ONUC's record at facilitating conflict resolution was that to achieve its goals, it provided military and political assistance to one of the Congolese parties, President Kasavubu, to allow him to obtain full control of the country.

In contrast to UNTAG, which was effective, and ONUC, which was moderately effective, the United Nations Angola Verification Mission II (UNAVEM II) was ineffective at facilitating conflict resolution in Angola. Following on the heels of UNAVEM I's successful monitoring of the withdrawal of Cuban troops from Angola, UNAVEM II was established in 1991 to supervise the implementation of the Peace Accords for Angola which was intended to end the civil war between the Uniao Nacional para la Independencia Total de Angola (UNITA) and the Angolan government. The centrepiece of this peace plan was the election in the fall of 1992. Unfortunately, UNITA, claiming systematic electoral fraud, decided to reject the election results. This led to a return of the civil war. Eventually a new peace agrement was signed in Angola (the Lusaka Protocol in January 1995), but the UN decided to establish a new peacekeeping operation, UNAVEM III, to implement it. Thus, UNAVEM II's mission ended without the Angolan conflict having been resolved.

iii) Conflict Containment

TABLE 3.3

CONTAINING THE CONFLICT

EFFECTIVE	MODERATELY EFFECTIVE	INEFFECTIVE
UNEF I, UNSF, DOMREP, UNOMIL, UNIPOM, UNEF II, UNDOF, UNGOMAP, UNAVEM I, UNTAG UNAVEM II, ONUCA, ONUSAL, ONUMOZ, UNMIH II, UNASOG, UNIKOM	UNMOGIP, ONUC, UNIIMOG, MINURSO, UNOMIG, UNAMIR II, UNFICYP	UNTSO, UNOGIL, UNYOM, UNIFIL, UNOMUR, UNAMIR I, UNMOT, UNMIH I

Of all the indicators of operational effectiveness, peacekeepers have been most effective at conflict containment (see Table 3.3). In only eight cases was the peacekeeping operation ineffective in containing the conflict. Meanwhile, there were 24 effective or moderately effective operations. One example of effectively containing the conflict was UNEF I. Prior to UNEF I's creation, the 1956 Suez crisis was threatening to escalate to a war involving 4/5 of the Security Council. Britain and France already had troops on the ground due to their premeditated deal with Israel. It was possible that the Soviets might use force to aid their embattled Egyptian allies. A Soviet counter-intervention, particularly against such strong American allies as Britain, France, and Israel, would necessitate a military response from Washington. It was under these conditions that UNEF I deployed, within days of the crisis, to the Suez. The arrival of the peacekeepers allowed the combatants, and their superpower allies, to pull back from the brink and a potentially much wider conflict was avoided. UNEF I, the first armed peacekeeping operation, became a prototype of how a peacekeeping force could effectively contain a conflict.

An example of moderate effectiveness was UNFICYP. When UNFICYP was deployed to Cyprus in 1964 one of its objectives was to prevent Greece and Turkey from becoming involved in the conflict, which could lead to a wider war between the two NATO allies. UNFICYP, with one notable exception, has achieved this objective. However, that one exception, Turkey's 1974 invasion, requires some discussion.

The 1974 invasion was precipitated when a group of officers from the Cypriot National Guard, at the behest of Greece's military rulers, launched a coup d'état which unseated Archbishop Makarios as President of Cyprus. Turkey responded to this perceived threat against the Turk Cypriots by launching a large-scale intervention. These events not only heightened the potential for a Greek-Turk war, but could have escalated and included Britain in the fighting. The crisis was eventually averted due to political pressure applied on Ankara by the Security Council and other member states. However, these negotiations would have been for nought without UNFICYP's work in the field. Of primary importance was when UNFICYP took the pre-emptive step of seizing the Nicosia Airport from the Greek Cypriots who controlled it, and declaring it a UN-protected area.[31] This action kept the airport, which held important commercial and political value, out of the hands of the advancing Turkish army. By stabilizing the situation on the ground, UNFICYP was able to help prevent a further escalation of the crisis.

As a result of the 1974 Turkish invasion, UNFICYP cannot be viewed as being completely effective at containing the conflict. Nevertheless, UNFICYP was not ineffective. This is because its efforts at helping regain control of the situation played a crucial role in preventing a counter-intervention by Greece or Britain. In addition, since 1974, UNFICYP has helped prevent similar incidents. Thus, UNFICYP has been moderately effective at conflict containment.

Although UN peacekeeping has been most effective at containing conflicts, there have been exceptions. One of these exceptions was UNMIH I which was established in 1993 to implement the Governor's Island Agreement to restore Haitian democracy. However, the first wave of UNMIH I troops were prevented from landing in Haiti by armed supporters of the military junta. This meant that UNMIH I never actually deployed in Haiti. As a result, the conflict widened when the Security Council authorized, first, a multinational naval blockade of the Island (US, Britain, France, Canada, and Argentina), and later a US-led military invasion.[32] An eleventh hour agreement was signed which allowed for the multinational force to land unopposed and thus prevent further loss of life. Nevertheless, the fact remains that UNMIH I, fundamentally because of its inability to deploy on Haitian soil, was ineffective at containing the conflict.

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[31] For more information on UNFICYP's actions during the 1974 invasion see Francis Henn, "The Nicosia Airport Incident of 1974: A Peacekeeping Gamble" International Peacekeeping 1/1 (Spring 1994): 80-98.

[32] S/Res/873, 13 Oct 1993; S/Res/875, 16 Oct 1993; and S/Res/940, 31 July 1994.

iv) Limiting Casualties

TABLE 3.4

LIMITING CASUALTIES

EFFECTIVE	MODERATELY EFFECTIVE	INEFFECTIVE
UNEF I, UNSF, DOMREP, UNIPOM, UNEF II, UNDOF, UNIIMOG, UNAVEM I, UNTAG, UNIKOM, ONUSAL, MINURSO, ONUMOZ, UNMIH II, UNASOG,	UNFICYP, ONUCA, UNOMIG, UNAMIR II	UNTSO, UNMOGIP, UNOGIL, ONUC, UNYOM, UNIFIL, UNGOMAP, UNAVEM II, UNOMUR, UNOMIL, UNMOT, UNAMIR I, UNMIH I

UN peacekeepers have been moderately effective in limiting casualties (see Table 3.4). There were a significant number of operations which were unable to limit casualties. Nevertheless, in the aggregate, there are a majority of effective and moderately effective operations. The Observadores de las Naciones Unidas en El Salvador (ONUSAL), which was created in 1991 to verify the implementation of the peace agreement between the El Salvador government and the Frente Farabundo Marti para la Liberacion Nacional (FMLN), was an example of effectively limiting casualties. ONUSAL's effectiveness at limiting casualties can be demonstrated by comparing the casualties during the peacekeeping operation with the substantial loss of life of the Salvadoran civil war. The Salvadoran civil war, which raged throughout the 1980s, resulted in 75, 000 deaths.[33] This situation was completely turned around during ONUSAL's mission, as the combatants adhered to the cease-fire, keeping casualties to a bare minimum. Although several politicians were murdered during the 1994 election campaign, the major parties (the government, FMLN, and ONUSAL) responded quickly with the formation of a Tripartite Commission to investigate the circumstances of each case.[34] Despite the tragedy of these isolated incidents for the victims and their families, in no way could these few deaths be compared to the overwhelming loss of life which occurred during the civil war. Further, the success of the 1994 elections, and the disarmament of the FMLN, suggests that the violence of the past will not return once ONUSAL leaves. The relative lack of political violence in El Salvador was due to many factors, but it is clear that ONUSAL's deployment --- as a neutral third party representing the will of the international community --- was a necessary requirement. Therefore, it is clear that ONUSAL was completely effective in limiting casualties in El Salvador.

An example of moderate effectiveness in limiting casualties was UNOMIG. UNOMIG was established in 1993 to supervise the cease-fire between the Georgian government and the secessionist Abkhaz in the former Soviet republic of Georgia. UNOMIG was comprised of military observers who worked with a peacekeeping force from the Russian-dominated Commonwealth of Independent States

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[33] Ian Johnstone, Rights and Reconciliation: UN Strategies in El Salvador (International Peace Academy Occasional Paper, Boulder, CO, 1995): 12.

[34] Cristina Eguizabal, "Regional Leadership and Universal Implementation in El Salvador's Quest for Peace" in The United Nations and Civil Wars: 187.

(CIS). UNOMIG has been effective at limiting casualties through its supervision of the cease-fire. However, this success was mitigated by two violations of the cease-fire by the Abkhaz militia in the Gali region. The first one, in March 1995, led to 28 deaths and forced 1,500 civilians to flee.[35] The second one, in November 1995, resulted in another seven deaths and more displaced persons.[36] In both instances, there were also civilians who were injured or kidnapped. "The pervasive lawlessness in the security and restricted weapons zones of Abkhazia," which has led to several civilian deaths, has also diminished UNOMIG's efforts at limiting casualties.[37] Despite these incidents, UNOMIG has been moderately effective at limiting casualties because its presence, and that of the CIS peacekeepers, has helped prevent a resumption of the civil war.

In seeking to identify an operation which was totally ineffective at limiting casualties one does not have to look much further than UNAMIR I. UNAMIR I, despite being deployed in Rwanda prior to the April 1994 outbreak of genocidal violence, was incapable of preventing it. In fact, in an explicit recognition of its impotence to stopping the bloodshed, UNAMIR I's force strength was reduced from 2,500 to 450.[38] It is estimated that, in the space of several months, at least 500,000 people perished in Rwanda.[39]

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[35] S/1995/342, 1 May 1995.

[36] S/1996/5, 2 January 1996.

[37] IBID.

[38] S/Res/912, 21 April 1994.

[39] S/1995/297, 9 April 1995.

In no other case has a UN peacekeeping operation been so ineffective at preventing casualties.

v) The Overall Record

TABLE 3.5

OVERALL EFFECTIVENESS OF UN PEACEKEEPING

EFFECTIVE	MODERATELY EFFECTIVE	INEFFECTIVE
UNSF, DOMREP, UNEF II, UNAVEM I, UNTAG, ONUCA, ONUSAL, ONUMOZ, UNMIH II, UNASOG	UNFICYP, UNEF I, UNIPOM, ONUC, UNDOF, UNGOMAP, UNIIMOG, UNIKOM, UNAMIR II	UNTSO, UNMOGIP, UNOGIL, UNYOM, UNIFIL, UNAVEM II, MINURSO, UNOMUR, UNOMIG, UNMIH I, UNOMIL, UNAMIR I, UNMOT

Now that each peacekeeping operation has been assessed using the four indicators of operational effectiveness, it is necessary to determine each operation's *overall* level of effectiveness. This will enable us to give a cumulative grade for the effectiveness of UN peacekeeping operations since 1945. As was the case with the four indicators, there are three categories of overall operational effectiveness. An effective operation occurs when there has been a resolution to the conflict. A moderately effective operation occurs when one of the remaining three objectives have been substantially fulfilled. In most cases, this would also imply effectiveness under one of the other indicators. Finally, an ineffective operation would be one where it was ineffectual under all four indicators. In addition, if an operation only had limited effectiveness in one of the measurements, it will also be classified as an ineffectual operation. This is because, as one DPKO official asserted, "we need to be harsh in our judgements," and the above scenario would simply be "turning up and spending some money and not achieving anything."[40]

An assessment of the overall record of UN peacekeeping shows a mediocre performance (see Table 3.5). There have been almost as many ineffective operations as there were effective and moderately effective operations. Although its record is not as bleak as critics of the UN have suggested, neither has it achieved as much as its proponents have argued. While there have been enough effective operations in peacekeeping's past to continue to utilize it, it is clear that steps must be taken to improve its efficiency.

CONCLUSION

This chapter has developed criteria for assessing the effectiveness of UN peacekeeping operations. Four indicators can be used to assess an operation's performance: mandate performance, facilitating conflict resolution, conflict containment, and limiting casualties. It was concluded that to judge accurately an operation's overall effectiveness a hierarchy of indicators, with facilitating conflict resolution at the top, must be used.

The three case studies which follow will take advantage of the above examination of establishment criteria and operational effectiveness. The operations in Cambodia, Somalia, and Bosnia will have their level of effectiveness assessed using each of the four indicators. There will then be an attempt to explain what factors either enhanced, or hindered, the performance of each peacekeeping operation. Chapter Seven will utilize these three individual explanations when it develops a general explanation for the effectiveness of peacekeeping operations in internal conflicts.

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[40] Confidential interview, New York, Nov 9, 1994.

CHAPTER FOUR

CAMBODIA

On October 23, 1991 representatives from nineteen states and four Cambodian factions signed a set of accords in Paris which aimed at ending Cambodia's twenty-year civil conflict.[1] Sixteen months later, from May 23 to 28, 1993, Cambodians participated in their first free and fair general election since the 1960s, attracting a stunning 90% voter turnout. On September 24, 1993, Prince Sihanouk was selected King and the National Assembly promulgated the new Cambodian Constitution which established Cambodia as a constitutional monarchy. The Royal Cambodian Government (RCG), a coalition government between the major parties, has been created and an attempt at centralizing the armed forces has been made. Although serious divisions still exist between the major parties, there have been significant strides to end Cambodia's years of conflict. Instrumental to the success of the Paris Accords was the role of the United Nations. The UN assembled a large peacekeeping force, the United Nations Transitional Authority in Cambodia (UNTAC), which was charged with not only *keeping* the peace, but also *implementing* the peace. This chapter will analyze UNTAC and assess the effectiveness of a peacekeeping operation designed to implement a comprehensive settlement agreement (CSA) in an internal conflict.

This chapter is divided into four parts. First, the history of the Cambodian conflict will be briefly summarized.

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[1] A/46/608-S/23177, 30 October 1991.

Second, the development of the peacekeeping operation will be examined. Third, a full assessment of the effectiveness of the operation will be concluded. Finally, an explanation of UNTAC's performance will be provided.

HISTORY OF THE CONFLICT

Since Cambodia's independence from France in 1953 it has lived a very turbulent existence.[2] The last twenty-five years have seen continuous violence. In addition, the conflict has not been an entirely domestic one. Cambodia was a pawn in the middle of the Sino-Soviet-American triangle and all sides helped fund and arm the various factions in order to obtain a strategic advantage. From 1953 to 1970, Cambodia was ruled by King Norodom Sihanouk. In 1970, Sihanouk was overthrown in a coup d'état by General Lon Nol, who instituted a military government. In 1975, after five years of fighting, the Khmer Rouge[3] gained control of Cambodia and renamed it Democratic Kampuchea. The Khmer Rouge governed from 1975 to

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[2] For further reading on Cambodia's history since independence see Craig Etcheson, The rise and demise of Democratic Kampuchea (Boulder, Colo, 1984); Ben Kiernan, How Pol Pot came to power: a history of communism in Kampuchea, 1930-1975 (London, 1985); David P. Chandler, The tragedy of Cambodian history: politics, war, and revolution since 1945 (New Haven, 1991); Ben Kiernan, ed.) Genocide and Democracy in Cambodia: The Khmer Rouge, the United Nations and the International Community (New Haven, 1993); and Marie Alexander Martin. Trans. Mark W. McLeod. Cambodia: A Shattered Society (Berkeley, 1994).

[3] The Khmer Rouge was originally called the Communist Party of Kampuchea, and later changed its name to the Party of Democratic Kampuchea. Throughout this dissertation, however, Khmer Rouge will be used.

1979, and in the process attempted a complete restructuring of Cambodian society and introduced a communal agrarian economy. During their reign, the Khmer Rouge were responsible for one of the worst acts of genocide in history, killing an estimated 1.5 million of Cambodia's population of eight million.[4] In 1979, Vietnam invaded Cambodia and installed a puppet government, which renamed the country the People's Republic of Kampuchea (PRK). In 1982, an alliance was formed to fight the Phnom Penh regime[5] between the Maoist-inspired Khmer Rouge, the royalist United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) led by Prince Sihanouk, and the republican Khmer People's National Liberation Front (KPNLF) led by Lon Nol's former Prime Minister Son Sann. This alliance was called the Coalition Government of Democratic Kampuchea (CGDK). Both the CGDK (supported by China and the US) and the Phnom Penh regime (supported by Vietnam and the USSR) claimed to be the rightful government of Cambodia.

Following the 1979 Vietnamese invasion, negotiations to end the Cambodian conflict took place on three levels: among the Cambodian parties themselves, at the regional level with members of ASEAN, and at the great power level with the Permanent Five of the

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[4] For information on how this figure was derived see the discussion in Kiernan, "Introduction" in Genocide and Democracy: 13.

[5] The PRK has gone through several name changes. Starting in 1990, the PRK called itself the State of Cambodia (SOC). For the 1993 election campaign it formed a political party called the Cambodian People's Party (CPP). Therefore, to avoid confusion, all subsequent references will be to the Phnom Penh regime.

Security Council (P-5).[6] Throughout the 1980s there were several attempts at reaching a peace agreement, primarily due to the work of the Indonesian government, which finally succeeded in hosting a series of conferences at Jakarta, called the Jakarta Informal Meetings (JIM) between 1987 and 1990. These JIMs led to the first Paris Conference on Cambodia (PCC), co-hosted by France and Indonesia, in July 1989. However, it was not until the P-5 joined the process that significant progress could be made. In 1990, the P-5, utilizing drafts made by Cambodian and regional actors, developed its "Framework Document."[7] This "Framework Document" would become the basis of the Paris Accords which were signed a year later at the second PCC, by the Cambodian parties, the regional states, and the P-5.

In sum, Cambodia constituted an internal conflict in which the four major parties were divided by ideology.[8] However, what really fuelled the conflict was the support that great and regional powers gave to their Cambodian clients. This was a major reason why the conflict lasted over a quarter of a century. It was only when these external actors could disengage themselves from the conflict that a negotiated settlement between the Cambodian factions could be reached. This was obtained through the signing of the Paris Accords, which had been brokered by the P-5 with assistance from ASEAN. The purpose of the peacekeeping force sent to Cambodia was to implement the comprehensive settlement agreement that had been achieved through the Paris Accords.

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[6] For an account of the years of negotiations, culminating in the 1991 Paris Accords, see Amitav Acharya, Pierre Lizée, Sorpong Peou, Cambodia --- The 1989 Paris Peace Conference: Background Analysis and Documents (Toronto, 1991) and Muthiah Alagappa, "Regionalism and the Quest for Security: ASEAN and the Cambodian Conflict" Australian Journal of International Affairs 47/2 (Oct 1993): 189-209.

[7] A/45/472-S/21689, 31 August 1990 and S/Res/668, 20 September 1990.

[8] For more information on the ideological differences between the four Cambodian parties see: Nayan Chanda, Brother Enemy: The war after the war (1986): 389-392; Abdulgaffar Peang-Meth, "The United Nations Peace Plan, the Cambodian Conflict, and the Future of Cambodia" Contemporary Southeast Asia 14 (June 1992): 38-43; and Stephen J. Randall, "Peacekeeping in the Post-Cold War Era: The United Nations and the 1993 Cambodian Elections" Behind the Headlines 51/3 (Spring 1994): 5-9.

DEVELOPMENT OF THE PEACEKEEPING OPERATION

There were three parts to the Paris Accords: 1) the Comprehensive Settlement Agreement; 2) Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia; and 3) Declaration on the Rehabilitation and Reconstruction of Cambodia.[9] This chapter, however, will concentrate on UNTAC's implementation of the Comprehensive Settlement Agreement. The Accord's objective was to organize "free and fair elections" that would be conducted in a "neutral political environment" with "full respect for the national sovereignty of Cambodia."[10] The two key instruments to be utilized in the implementation of the Accords were the Supreme National Council (SNC) and UNTAC.

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[9] A/46/608-S/23177, 30 October 1991.

[10] Ibid.

The idea for a SNC was first suggested by US Representative Stephen Solarz[11], and was taken up and greatly elaborated on by Australian Foreign Minister Gareth Evans in February 1990.[12] The SNC would resolve the dilemma over who would govern Cambodia during the critical transitional period prior to the anticipated election. The P-5 liked the proposal for a SNC and incorporated it into its "Framework Document."[13] Finally, in June 1991, the four Cambodian factions agreed, due in part to the pressure applied by Sihanouk, to the creation of the SNC.[14]

The SNC was "the unique legitimate body and source of authority in which, throughout the transitional period, the sovereignty, independence and unity of Cambodia are enshrined."[15] The SNC was composed of twelve members, with the Phnom Penh regime possessing six, and the other three factions allowed two representatives each, and Prince Sihanouk, who had been unamiously selected by the SNC as its President.[16]

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[11] Stephen Solarz, "Cambodia and the International Community" Foreign Affairs 69/2 (Spring 1990): 99-115.

[12] See the text of Cambodia: An Australian Peace Proposal Jakarta (Feb 26-28, 1990) in Cambodia --- The 1989 Paris Peace Conference: 498-573.

[13] A/45/472-S/21689, 31 August 1990 and S/Res/668, 20 September 1990.

[14] Alagappa: 202.

[15] A/46/608-S/23177, 30 October 1991.

[16] A/45/490-S/21732, 17 September 1990 and A/46/617, 7 November 1991.

It was intended that the SNC and UNTAC were to work together in implementing the Accords. UNTAC was to follow the advice of the SNC if it could come to a consensus, or failing that, if Prince Sihanouk gave advice on its behalf, provided that it was "consistent with the objectives" of the Accords.[17] Although the P-5 assumed that in most cases the SNC would be stalemated by factional divisions, in fact it became an important institution largely as a result of the Secretary-General's Special Representative (SGSR) Yasushi Akashi, who strived to obtain a consensus on most issues.[18]

UNTAC was the other entity that was critical to the implementation of the Accords. There were four main components to UNTAC's mandate. First, it was to take "direct control" of all civil administration agencies necessary for the implementation of the Agreement. This included the ministries of foreign affairs, national defence, finance, public security, and information. Second, UNTAC was mandated to perform eight key military functions: verifying the withdrawal of foreign forces, monitoring the cease-fire, monitoring the cessation of outside military assistance, locating and confiscating weapons, assisting mine clearance, relocating all Cambodian forces to cantonment areas, enforcing the demobilization of 70% of each faction's forces with the remaining 30% to be incorporated into a unified Cambodian army, and assisting in the release of POWs. Third, UNTAC was to "organize and conduct" the election. Finally, UNTAC was to develop a programme of human rights education, which included investigating human rights violations. In order to perform its mandate, UNTAC was granted all "powers necessary" to implement the Accords. However, since UNTAC was not established under Chapter VII, it lacked the mandate to enforce the Accords by military force.[19]

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[17] A/46/608-S/23177, 30 October 1991.

[18] Steven R. Ratner, "The United Nations in Cambodia: A Model for Resolution of Internal Conflicts?" in Enforcing Restraint: 254.

Certain aspects of UNTAC's mandate, like its military functions, were not noteworthy. For example, monitoring cease-fires was a staple of all peacekeeping operations. Similarly, monitoring the withdrawal of foreign troops had been done previously in Afghanistan and Angola. However, what was significant about UNTAC was its new powers. In particular, "for the first time, the UN had assumed control of key aspects of the civil administration of a member state."[20] Moreover, "having UNTAC conduct the elections, rather than only supervise, monitor and control them" was an example of the enhanced mandate of UNTAC.[21] Thus, the design of UNTAC's mandate constituted a new approach in the conduct of peacekeeping operations.

In addition, UNTAC, as initially intended, was to have more flexibility in its interpretation of its mandate than previous operations had. In particular, as Goulding noted, the impartiality aspect of peacekeeping could be treated differently. This is because "the claims and positions of the parties" had already "been reconciled in a comprehensive settlement agreed between them." UNTAC's purpose, then, was to ensure that the parties complied with their "obligations under the agreed settlement." Thus, due to the existence of a CSA, UNTAC was designed to be impartial in how it performed its mandate, not necessarily impartial between the parties.[22] However, as would be discovered, UNTAC's treatment of the impartiality issue would become important as it attempted to deal with the Khmer Rouge's defiance.

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[19] A/46/608-S/23177, 30 October 1991.

[20] Ratner, "The Cambodia Settlement Agreements:" 12.

[21] IBID: 21.

There were two interrelated tasks that UNTAC had to accomplish in order for the Accords to be implemented. These twin tasks were critical to the success of the operation, but they were also to be the most difficult to complete. First was the disarming of the four armies: the Cambodian People's Armed Forces (Phnom Penh regime), the National Army of Independent Kampuchea (FUNCINPEC), the Khmer People's National Liberation Armed Forces (KPNLF), and the National Army of Democratic Kampuchea (Khmer Rouge). Second was conducting a free and fair election in a neutral political environment. These tasks were interrelated because UNTAC felt that the election could not be held unless the four armies were first demobilized. However, this opinion changed when UNTAC discovered that it could not disarm the factions. Thus, the election proceeded without the first task being accomplished.

Disarmament did not occur because of the Khmer Rouge's steadfast refusal to disarm, despite their signature on the Accords. Accordingly, the other Cambodian armies were also unwilling to give up their guns. Why did the Khmer Rouge not disarm? Publicly, as the *Far Eastern Economic Review* noted, "diplomats sa[id] that the Khmer Rouge would not have signed an agreement it did not intend to follow."[23] Privately, most UN officials believed that the Khmer Rouge would never follow through with their commitment to disarm.[24] In fact, Khmer Rouge defectors stated in 1990, while the Accords were being negotiated, that Pol Pot had told his supporters in 1988 that "our troops will remain in the jungle for self-defence."[25]

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[22] Goulding: 457-458.

If they had no intention of abiding by the Paris Accords, why did the parties sign them? One explanation is that the military stalemate between the Phnom Penh regime and the CGDK sent the parties to the negotiation table.[26] It has also been suggested, by those present at the PCC, that the Cambodian parties did not have a choice. The foreign patrons, Vietnam, China, the USSR, and the US, had ended their assistance to their Cambodian clients.[27] A final explanation is that the Cambodian parties hoped to manipulate the peace process. For instance, the Khmer Rouge believed that the Phnom Penh regime would crumble, leaving a power vacuum that it could take advantage of and thereby assume power. The timetable established in the Accords would allow the Khmer Rouge time to increase their strength and territory.[28] In a 1988 speech, Pol Pot revealed plans to "delay the elections" until the Khmer Rouge could "control all the country," which would enable his officials to "lead the balloting work."[29] Meanwhile, the Phnom Penh regime probably felt that the cantonment and disarmament provisions of the Accords would end the military threat posed by the Khmer Rouge. Finally, the two smaller parties, FUNCINPEC and the KPNLF, believed that only through the mechanism of a free and fair election could they hope to gain power in Cambodia.

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[23] Far Eastern Economic Review [Henceforth FEER] (Nov 7, 1991): 28.

[24] Confidential interviews, New York, Nov 8-14, 1994.

[25] Quoted in Ben Kiernan, "Introduction" in Genocide and Democracy in Cambodia: 21.

[26] Trevor Findlay, Cambodia: The Legacy and Lessons of UNTAC SIPRI Research Report No. 9 (Oxford, 1995): 3.

[27] Michael W. Doyle and Ayaka Suzuki, "Transitional Authority in Cambodia" in The United Nations and Civil Wars: 140.

For the record, the Khmer Rouge cited a variety of excuses for its refusal: the presence of Vietnamese forces, the dismantlement of the Cambodian government in favour of the SNC, and UNTAC's bias towards the Phnom Penh regime.[30] Thus, by November 1992, UNTAC had to end the cantonment process with less than 25% of the troops, few of them Khmer Rouge, participating. However, even these troops, while being disarmed, were not demobilized, as most of them were released on "agricultural leave."[31]

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[28] A DPKO official offered this view during a confidential interview, New York, Nov 14, 1994.

[29] Quoted in Ben Kiernan, "The Inclusion of the Khmer Rouge in the Cambodian Peace Process: Causes and Consequences" in Genocide and Democracy in Cambodia: 203.

[30] Proposal of the Party of Democratic Kampuchea on the role of the Supreme National Council and the implementation of phase II (August 27, 1992), S/24800, 15 November 1992.

[31] S/24800, 15 November 1992.

Despite the resistance of the Khmer Rouge and the other Cambodian parties to disarm, it is possible that UNTAC could have performed its disarmament functions better, but its efforts were significantly hindered by deployment delays. The UN knew that it would need time to assemble UNTAC, so it made arrangements to send a United Nations Advance Mission in Cambodia (UNAMIC).[32] UNAMIC arrived in Phnom Penh in early November 1991 with 380 military personnel and civilians and was instructed to help maintain the present cease-fire, start the de-mining process, and pave the way for UNTAC's eventual arrival. However, UNAMIC lacked both the manpower and the mandate to implement the Accords. Also, in January 1992 Cambodia's cease-fire was broken by fighting in Kompong Thom province between the Khmer Rouge and the Phnom Penh regime. This fighting later spread to other provinces. UNAMIC was powerless to stop the fighting and instead had to wait until UNTAC arrived before the situation could be brought under control.

The reason for UNTAC's delay was because of difficulties in arranging its financing. Despite the fact that "procedural arrangements of the UN mission had been negotiated for almost two years," its "planning and preparation were virtually non-existent."[33] Evidence of this is that the Secretary-General did not come up with budget for UNTAC until January 31, 1992.[34] Although

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[32] S/Res/717, 16 October 1991.

[33] Gerhard Will, "The Elections in Cambodia: Taking Stock of a UN Mission" Aussenpolitik (1993): 395.

[34] A/46/235, 31 January 1992.

UNAMIC was sent in as a short-term replacement, it could not do the job asked of it. The reason for UNAMIC's difficulties was, as one of the Paris Accords architects acknowledged, that it "was only an afterthought when the peace accord was drawn up. No one believed it would take so long for UNTAC to be deployed and no one took this interim period as seriously as, in hindsight, we should have."[35]

Finally, in February 1992, the Security Council passed a resolution formally establishing UNTAC.[36] On March 15, 1992, the SGSR, the civilian head of UNTAC, Yasushi Akashi, arrived in Phnom Penh signifying the official deployment of UNTAC. However, UNTAC did not reach its full strength of 22,000 personnel, which included military troops, civilian police, and civil administrators, until the end of June 1992, eight months after the signing of the Paris Accords.

It is likely that had UNTAC been deployed in full in November 1991, it would have had a better chance to implement the military aspects of the Accords. Nevertheless, whether it could still have disarmed the Khmer Rouge remains debatable given the resistance of the Khmer Rouge leadership. UNTAC lacked the mandate to use force to implement the Accords, and thus had little recourse when faced with a well-armed party who refused to abide by their commitments. Even if UNTAC had enforcement powers under Chapter

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[35] FEER (Feb 27, 1992): 23.

[36] S/Res/745, 28 February 1992.

VII, it is unlikely that they would have been able to disarm the Khmer Rouge against their will.[37]

UNTAC tried to get the Khmer Rouge to proceed to the cantonment areas and to allow freedom of movement for UNTAC in Khmer Rouge controlled territory. For example, the Security Council passed resolutions censuring the Khmer Rouge.[38] Unsuccessful diplomatic efforts were also made by Thailand and Japan, and later by France and Indonesia. Even the Chinese attempted to persuade the Khmer Rouge, but they all failed. Finally, in November 1992, the Security Council imposed a petroleum ban against the Khmer Rouge, with threats of further economic sanctions.[39] UNTAC then decided that it would go ahead with the election, which Boutros-Ghali had earlier identified as the "focal point of the comprehensive settlement,"[40] regardless of the non-participation by the Khmer Rouge. However, attempting to conduct a "free and fair election" in a "neutral political environment" without disarming the factions would not be easy.

The first major step in conducting the election was in the drafting of an electoral law. The original electoral law, as stated in the Accords, made any 18-year-old born in Cambodia, or the child of a person born in Cambodia, eligible to vote.[41] However, the Cambodian parties were divided over whether to allow ethnic Vietnamese the right to vote. Vietnam's 1979 invasion saw 300,000 Vietnamese settlers arrive in Cambodia. These included repatriating Cambodian refugees who had fled to Vietnam to escape the Khmer Rouge regime as well as ethnic Vietnamese who had followed the army searching for economic gain.[42] The Phnom Penh regime, which had been placed in power by the Vietnamese army, wanted all the settlers to vote. However, the Khmer Rouge, FUNCINPEC, and KPNLF were opposed to allowing ethnic Vietnamese to vote. This was based on Cambodia's deep rooted fears of domination by Vietnam. As *Asia Watch* commented, the "three centuries of political subjugation and loss of territory" that Cambodia suffered at the hands of Vietnam "lies behind the almost pathological fear and hatred that Cambodians bear their dominant neighbour."[43] In addition there was a long-standing prejudice against ethnic Vietnamese living in Cambodia. Although the Khmer Rouge was the most xenophobic against the "Yuon" (a pejorative Khmer word for Vietnamese), FUNCINPEC and the KPNLF did not refrain from anti-Vietnamese rhetoric.

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[37] DPKO official in a confidential interview, New York, Nov 14, 1994.

[38] S/Res/766, 21 July 1992 and S/Res/783, 13 October 1992.

[39] S/Res/792, 30 November 1992.

[40] S/23613, 19 February 1992.

Although the UN could not support a ban on voting which was based entirely on ethnicity, it felt that it had to take the position of the three parties into consideration. As SGSR Akashi noted, "I had the right to have the law adopted by myself, but I was convinced that it was vital to promote dialogue and give-and-take among Cambodians."[44] Thus, Akashi spent four months negotiating a new electoral law with the SNC. In the end, three of the parties agreed to a compromise, the Khmer Rouge continued to oppose allowing ethnic Vietnamese to vote, which restricted the franchise to "Cambodian persons," defined as:

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[41] A/46/608-S/23177, 30 October 1991.

[42] Ratner, "The Cambodia Settlement Agreements": 20.

[43] Quoted in Findlay: 45.

> a) A person born in Cambodia, at least one of whose parents was born in Cambodia; or
> b) A person, wherever born, at least one of whose parents is or was a Cambodian person within the meaning of paragraph (a).[45]

UNTAC was successful in registering both political parties and voters. Twenty parties registered to compete in the May 1993 election, but the Khmer Rouge was not one of them. The three largest parties were the Cambodian People's Party (CPP) led by Hun Sen (which was the renamed Phnom Penh regime), FUNCINPEC led by Prince Norodom Ranariddh (the son of Sihanouk), and the Buddhist Liberal Democratic Party (BLDP), which was the political wing of KPNLF, led by Son Sann. By January 1993, 4.7 million Cambodians (96% of the population) were registered to vote.[46]

Despite these successes, there was deep concern over how "free and fair" in a "neutral political environment" the election would be given the level of political violence. In the Third

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[44] Yasushi Akashi, "The Challenge of Peacekeeping in Cambodia" International Peacekeeping 1/2 (Summer 1994): 213.

[45] S/24578, 21 September 1992.

[46] S/25124, 25 January 1993.

Progress Report on Cambodia by the Secretary-General it was noted that there existed three categories of political violence in Cambodia:

> politically motivated attacks on political party offices and staff; attacks on Vietnamese-speaking persons; and killings which seem to have no particular political motivation but which spread a climate of fear and intimidation.[47]

The primary perpetrators of political violence were the Khmer Rouge who had targeted ethnic Vietnamese, ordinary Cambodians, and, to a lesser extent, UNTAC personnel.[48] The Phnom Penh regime was also responsible for attacks on FUNCINPEC and BLDP.

Although the period between December 1992 and March 1993 showed a substantial reduction in the level of violence in Cambodia, a significant upsurge occurred in March 1993. The worst atrocity happened on March 10, 1993 when 35 Vietnamese-speaking residents were killed, and 24 injured by a Khmer Rouge attack in Siem Reap province. Incidents of political violence continued almost unabated throughout the run-up to the May election. In addition, the cease-fire continued to be violated by low-level clashes between forces of the Phnom Penh regime and the Khmer Rouge.[49]

What impact would this political violence have on the election? There were three great fears. First, and the most obvious, was the fear that no Cambodians would turn up to vote.

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[47] S/25124, 25 January 1993.

[48] S/25719, 3 May 1993.

[49] S/25719, 3 May 1993.

Second, if the Phnom Penh government won the election through intimidation, when it appeared that they should lose, it could plunge Cambodia back into civil war. Senior party officials from both FUNCINPEC and BLDP had made it known that if the Phnom Penh regime was victorious in an election that was not free, fair, and open, they would reject the election results.[50] This could lead to the return, with of without the Khmer Rouge, of the CGDK in opposition to the Phnom Penh regime. Third, the Khmer Rouge, which had referred to the election as "a stinking theatrical farce," promised to disrupt them.[51] Khmer Rouge leader Khieu Samphan[52] warned that, "if there are elections without the [Khmer Rouge], which is not in accordance with the Paris agreement, this would be a rubber stamp of the Vietnamese occupation. In such a case will there be peace? Certainly not."[53] Already the UN had been forced to abandon some polling stations situated in Khmer Rouge territory. Some observers were calling Cambodia an "effectively partitioned" country.[54]

Given the potential for increased political violence at the balloting stations, should the election have proceeded? Akashi had announced to the SNC on April 21, 1993 that UNTAC would judge the "freeness and fairness" of the election by three criteria: "the technical conduct of the poll; the extent to which the campaign is marred by violence, intimidation, and harassment; and the extent to which the incumbent party enjoys unfair advantages, whether by using the apparatus of state for its own political ends or by denying opposition parties access to public media."[55] Only the first criterion, which the UN determined was the "acceptable minimum standard" for a "free and fair" election,[56] was met. Even Boutros-Ghali acknowledged that "the election will not be proceeding in the way originally envisaged," nevertheless that "is no reason to hold back an election which, after all, is not the end of the process of Cambodia's renewal but the beginning."[57] The UN decided to continue with the election because it felt that the vast majority of Cambodians wanted it, and they would not be dissuaded by the threats of violence. Further, a postponement of the election would probably lead to greater, rather than less, political violence.[58] Cancellation of the election would have signalled a failure on the UN's part, and would have sparked a renewed civil war between the Phnom Penh regime and the Khmer Rouge. Thus, the best option was to continue with the election.

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[50] FEER (May 20, 1993): 10.

[51] FEER (June 3, 1993): 11.

[52] The real leader of the Khmer Rouge remains Pol Pot, the man who ruled Cambodia from 1975-1979, but he is in seclusion in the jungles of Thailand, and does not represent the Khmer Rouge externally.

[53] FEER (November 12, 1992): 13.

[54] FEER (May 20, 1993): 10.

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[55] Quoted in Michael W. Doyle, UN Peacekeeping in Cambodia: UNTAC's Civil Mandate (Boulder, Colo, 1995): 55-56.

[56] S/25719, 3 May 1993.

[57] IBID.

[58] S/25784, 15 May 1993.

The UN did institute several mechanisms designed to protect the electoral process in the dangerous environment that existed in Cambodia prior to the election. Stephen Randall, one of the international polling officials, has outlined the precautions taken.[59] First, military security arrangements were made.[60] UNTAC undertook the following tasks: it transported all electoral personnel and materials by military convoy; guarded electoral materials at night at its own bases; provided military security at each poll and ballot counting centre; secured transportation routes to the polls; and used metal detectors and manual searches at the polling booths. In addition, at particularly risky stations, the approaches were mined and the election "took place in two three-day periods to allow concentration of military forces and election officials." Second, to prevent voting irregularities, the UN relied on voter identification cards, a centralized voter registry in Phnom Penh, and ultraviolet lights. Finally, to prevent retribution against villages that voted the wrong way, the ballot-counting was centralized at provincial capitals, and a proportional representation system was used." These measures were all taken in conjunction with a massive public information campaign to educate and convince the Cambodian people of the secret ballot principle.

The election went ahead on May 23-28, 1993, and, as a result of the heroic courage of the ordinary Cambodian citizen, it was a resounding success. Despite the many predictions of impending disaster throughout the pre-election period, the Khmer Rouge did not launch any attacks on the polling stations. The balloting took place in an atmosphere that was "almost completely free of violence and intimidation," with "no significant disruption of the polling."[61] In SGSR Akashi's official statement to the SNC, he said that "the election took place in every district of every province of Cambodia except for two districts in Siem Reap province."[62] The voter turnout was outstanding as 4.2 million Cambodians voted (89% of all registered voters, and 83% of the total eligible population). This meant, contrary to earlier fears, that many people in Khmer Rouge territory, including some Khmer Rouge members, voted in the election. The result was significant: it saw the opposition FUNCINPEC defeat the CPP, thus alleviating fears that the Phnom Penh regime's intimidation would succeed (See Table 4.1 for election results).

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[59] Randall: 12.

[60] With the failure of its cantonment and disarmament functions, UNTAC's military component was altered to allow it to concentrate on supplying security for the election.

A major question following the election was, why, after threatening to, did the Khmer Rouge refrain from attacking the

TABLE 4.1

CAMBODIAN ELECTION RESULTS, MAY 1993

	% of Vote	Seats
FUNCINPEC	45.47	58
CPP	38.23	51
BLDP	3.81	10
Others (17)	12.49	1

Source: UN Chronicle (September 1993): 34.

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[61] S/25879, 2 June 1993.

[62] Ibid.

polling stations?[63] Akashi had warned Khmer Rouge leader Khieu Samphan at a SNC meeting on April 10, 1993 that if the Khmer Rouge "chooses to try to disrupt the elections with violence and bloodshed, it is choosing condemnation, isolation and even worse."[64] Were the Khmer Rouge dissuaded from violence because it would lead to condemnation from the international community? Not likely, given that international public opinion has never factored into the decision-making of this pariah organization. There must be another explanation. It is possible that the Khmer Rouge realized that it was unable to prevent physically the election from occurring. Moreover, they had already situated themselves in a position that both stressed their opposition to the process and maintained themselves as a viable force that the new government would have to deal with. Therefore, if the new government collapsed under its own divisions, the Khmer Rouge would be sitting in the wings preparing to assume power. Moreover, it has been suggested that, by not attempting massacres at the polling stations, the Khmer Rouge did not alienate its still significant support among the peasantry.[65]

Immediately following the announcement of the election results, the CPP, claiming voting irregularities, began a secessionist movement in several of Cambodia's eastern provinces.

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[63] For other theories on this question see Findlay: 87-88.

[64] United Nations, The United Nations in Cambodia: A Vote for Peace (1994): 11.

[65] Khatharya Um, "Cambodia in 1993: Year Zero Plus One" Asian Survey 34/1 (Jan 1994): 75.

Within a few days this movement collapsed, but it had forced FUNCINPEC to accept a power-sharing arrangement with the CPP. A coalition government was formed which had FUNCINPEC running the Foreign and Finance Departments, but sharing responsibilities with the CPP in the Interior, Defence, and Public Security ministries. The CPP would continue to operate the Information Ministry. FUNCINPEC leader Prince Ranariddh would become First Prime Minister, while CPP leader Hun Sen would become Second Prime Minister.

It is important to note, that as a result of the coalition, the allocation of cabinet posts in the new Royal Cambodian Government was evenly distributed between the two main parties. Thus, the cabinet did not reflect the superiority of FUNCINPEC in the election results. The decision to create a coalition government was due to the fact that while FUNCINPEC possessed political legitimacy through the ballot box, the CPP possessed military authority through the gun barrel. The formation of a coalition government was, as the *Cambodia Times* stressed, a "Cambodian solution to Cambodia's problems, not technicalities, not laws which had isolated us from the rest of the world."[66]

On September 24, 1993, Prince Sihanouk was unamiously selected King and the National Assembly promulgated the new Cambodian Constitution which established Cambodia as a constitutional monarchy. This action concluded UNTAC's mandate, and it began its withdrawal procedures. By November 15, 1993 UNTAC forces, with the exception of some military police and medical units which would remain until the end of the year, had left Cambodia.[67]

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[66] Quoted in Um: 76.

What has happened in Cambodia since the elections? Although the Secretary-General noted in a July 1993 report that, "UNTAC was established as an operation with a clearly defined mandate and duration and specific resources. It has performed its function creditably and has now begun the process of withdrawing. UNTAC will soon cease to exist."[68] Nevertheless, the UN, and the rest of the international community, has a continued stake in developments in Cambodia. Cambodia remains, two years after the election, in a fragile political-military environment. In particular, the RCG has had enormous difficulties attempting to resolve four substantial issues: economics, politics, the monarchy, and the Khmer Rouge.

First, the Cambodian economy remains weak. International economic assistance is being organized through the International Conference on the Reconstruction of Cambodia (ICORC), which has raised almost $1.3 billion dollars.[69] In addition, the International Monetary Fund, the World Bank, the EU, and the Asian Development Bank will provide the RCG with balance-of-payments support and structural adjustment loans totalling close to half a billion dollars from 1994-97.[70] Despite this level of assistance the economic challenges facing the RCG are great as it tries to increase its per capita GNP of $200. Ultimately long-term peace in Cambodia will require significant economic development. As US Ambassador to the UN Madeleine Albright noted, "it would be a shame if shortsightedness on the part of the international community threatened the future of the process in Cambodia by a lack of long-term financial commitment to the reconstruction of the country."[71]

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[67] S/26675, 1 November 1993. A 20 member United Nations Military Liaison Team did remain in Cambodia until May 15, 1994. S/Res/880, 4 November 1993.

[68] S/26090, 16 July 1993.

[69] $880 million was pledged at the first Tokyo meeting of the ICORC in June 1992, and another $500 million was pledged at the second Tokyo ICORC meeting in March 1994.

Second, severe divisions still exist inside the RCG and the Royal Cambodian Armed Forces (RCAF). Despite the formation of the coalition government, tension exists between FUNCINPEC and the CPP. While FUNCINPEC has been trying to consolidate its control of the national government, the CPP still possesses the real power in Cambodia through its party apparatus in the 18 provinces. For example, the FUNCINPEC Governor of Kompong Som province, Thoam Bun Srun, complained that "the whole administration belongs to the CPP, it is their people and their system...the structure has not changed."[72] The aborted coup attempt in July 1994 by senior CPP officials was a strong indicator of dissatisfaction with the new government,[73] as was the resignation in October 1994 of Finance Minister Sam Rainsy, a FUNCINPEC member who was well-respected in international financial circles.[74] These divisions have also affected the RCAF. Despite the attempt at unification, the CPP has been able to retain real control of the RCAF. The rivalry in the armed forces was a major factor in the RCAF's military setbacks against the Khmer Rouge.

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[70] US State Department, Dispatch (May 23, 1994): 343-344.

[71] SC/5734, 4 November 1993.

[72] Phnom Penh Post (March 9, 1995): 1

[73] FEER (July 14, 1994): 14-16.

There have also been some troubling examples of the growing pains that the RCG is having with democracy. For instance, when Rainsy decided to quit FUNCINPEC and form a new political party, the Khmer Nation Party (KNP), the RCG stated that the party was illegal and expelled Rainsy from parliament.[75] Since the RCG is a coalition government, there is no formal opposition to it in parliament, and its actions towards the KNP suggest that it wants to keep it that way. A second example was the RCG's July 1994 decision to officially outlaw membership in, or association with, the Khmer Rouge.[76] The RCG has used this new law like a form of McCarthyism, tainting any Cambodian with ties to the Khmer Rouge. For instance, Prince Norodom Sirivudh was sentenced to ten years in prison for conspiracy and treason in a trial that human rights and legal observers called "farcical and purely political."[77] It has been alleged that the case was made because Sirivudh, who is currently in exile in Paris, has shown sympathetic tendencies towards the Khmer Rouge.

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[74] The Globe and Mail (Oct 24, 1994): A8.

[75] Phnom Penh Post (March 7, 1996): 3.

[76] Edmonton Journal (July 8, 1994): A11.

[77] Phnom Penh Post (March 7, 1996): 3.

Third, the stability of Cambodia's monarchy is of some concern. Since King Sihanouk is in his seventies and in poor health, royal succession has become particularly relevant. The new Cambodian constitution makes the Kingship an elected, rather than strictly hereditary, position. However, all possible successors must meet a series of restrictive conditions. Each candidate must be: a member of the Khmer Royal Family, aged at least 30 years, and coming from the blood line of the King Au Duong, Norodom, or Sisowath. Although current FUNCIPENC co-Prime Minister Prince Ranariddh is considered the heir apparent, his direct political ties make some of his opponents uneasy. Both the CPP and some senior FUNCINPEC officials are campaigning, behind the scenes, for one of Sinanouk's other many offspring. It is possible that a renewed civil war could begin over the Cambodian succession.[78]

Finally, there remains much concern in Cambodia over the fate of the Khmer Rouge. After the success of the election, which they boycotted, the Khmer Rouge decided that they would accept the decision of the electorate.[79] In fact, in an ironic twist, during the aborted secession attempt the Khmer Rouge had "set itself up as the defender of the outcome of the election it had boycotted and issued appeals for armed opposition against the government in Phnom Penh because the latter had refused to recognise the results of democratic elections."[80] According to David Chandler, a historian who specializes in the Khmer Rouge, their ultimate goal is to split the coalition government. If this is unsuccessful, the Khmer Rouge hope to enter the government "so as to destabilize day-to-day operations and force national attention onto a racially based, anti-Vietnamese agenda. If the tactics succeed, the Khmer Rouge would have edged themselves closer to real power."[81]

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[78] Confidential Interview, Inter-Parliamentary Union official, Edmonton, Nov 26, 1993. Also see: William Shawcross, Cambodia's New Deal Contemporary Issues Paper #1 (London, 1995): 52-55.

[79] S/26090, 16 July 1993.

To accomplish these tasks, the Khmer Rouge needs to have some success on the battlefield. It need not defeat the RCG, but simply survive and cause instability. Initially, the RCAF was successful in a series of low-level military operations against the Khmer Rouge, but the tide has been turning. The RCAF attacked Khmer Rouge strongholds at Pailin and An Long Veng, and although they captured them briefly, by April 1994 the Khmer Rouge had retaken them.[82] In fact, in the counter-offensive launched by the Khmer Rouge, they were able to regain some of the territory which had been lost because of the 1979 Vietnamese invasion.[83] As of April 1996, the Khmer Rouge have been able to defend their strongholds consistently in Northwestern Cambodia against RCAF offensives.

As a result of its inability to defeat the Khmer Rouge, the Cambodian government has requested international military assistance. This has placed many of the "Friends of Cambodia" in a dilemma. On the one hand, they do not want to escalate the conflict, particularly at the expense of economic development and reconstruction. On the other, they remain extremely fearful of the Khmer Rouge.[84] It is for this reason that several countries have decided to help rearm the RCG. Poland and the Czech Republic have supplied new tanks and MIG aircrafts and Israel has agreed to refurbish 21 Soviet-made planes.[85] In addition, the US has made preparations to provide the RCG with military training, and non-lethal equipment.[86] Attempts to persuade Khmer Rouge cadres to defect have also been stepped up.[87]

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[80] Will: 400.

[81] Quoted in FEER (Sept 30, 1993): 11.

[82] FEER (April 28, 1994): 20.

[83] FEER (June 2, 1994): 14.

Members of the Inter-Parliamentary Union, who helped monitor the election, initially argued that by boycotting the election, the Khmer Rouge were "bypassed by history."[88] However, that sentiment now seems a bit premature. Although the Khmer Rouge have been damaged by the elimination of Chinese aid, there are concerns that in its territory along the Thai-Cambodian border it retains certain economic resources that will allow it to continue to pursue guerrilla activities. As Abuza states, the Khmer Rouge's

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[84] Confidential interviews with DPKO officials, New York, Nov 8-14, 1994.

[85] Phnom Penh Post (Feb 9, 1995): 1.

[86] US State Department, Dispatch (May 23, 1994): 344 and New York Times (Jan 29, 1995): 5.

[87] In March 1996, Khmer Rouge General Heng Pong, along with 357 soldiers, and 400 families, defected to the RCG. This was the largest defection yet, and should damage the Khmer Rouge. Phnom Penh Post (March 21, 1996): 1, 3.

[88] Confidential interview, Edmonton, Nov 26, 1993.

"control over timber and gem exports are estimated to generate up to $100 million a year."[89] Thus, unless the Thai government is willing to help apply economic sanctions, which seems unlikely given that some elements in the Thai military have been aiding and abetting them, the Khmer Rouge will continue to possess an important revenue source.[90]

There was much debate inside the RCG over the issue of Khmer Rouge inclusion in the government. In fact, the divisions between FUNCINPEC and the CPP were most evident over this issue. First Prime Minister Ranariddh was conciliatory, making overtures to the Khmer Rouge, but linking them with a cease-fire and disarmament. However, Second Prime Minister Hun Sen remained a hawk, stating that if no peace could be reached with the Khmer Rouge, there would have to be a "general mobilization" of the RCAF.[91] Meanwhile, King Sihanouk was the wild card in the equation. Despite possessing no official power, Sihanouk retained great influence over Cambodian affairs, and has a long history of meddling and manipulation. If Sihanouk felt that including the Khmer Rouge in the RCG would increase his own personal power, he would work towards inclusion. In fact, Sihanouk made a proposal, which was rejected, to assume power in June 1994, and form a new government of national reconciliation which would include the Khmer Rouge.[92]

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[89] Zachary Abuza, "The Khmer Rouge Quest for Economic Independence" Asian Survey 33 (Oct 1993): 1010.

[90] FEER (April 28, 1994): 20.

[91] FEER (Dec 16, 1993): 18.

Nevertheless, it appears that the hawks in the RCG have won. As was mentioned earlier, the RCG, over the dire warnings of Sihanouk, officially outlawed the Khmer Rouge. The international community has also pressured the RCG to isolate the Khmer Rouge. The United States, for one, has maintained that it will cut off all aid to Cambodia if the Khmer Rouge is brought into the government.[93] There have been no new negotiations, since the last round ended in failure on June 17, 1994. In response, the Khmer Rouge announced that it had formed a parallel government, based in northern Cambodia, with Khieu Samphan as President.[94]

In sum, there exist many potential threats to Cambodia's efforts at consolidating its gains towards political reconciliation. The economy remains worrisome. The CPP has not completely fulfilled its power-sharing obligations. The stability of the monarchy depends precariously on the health of King Sihanouk. Most importantly, the Khmer Rouge continues to constitute a threat to peace in Cambodia. These issues must be considered when UNTAC's effectiveness at facilitating conflict resolution in Cambodia is assessed.

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[92] FEER (June 23, 1994): 16.

[93] US State Department, Dispatch (May 23, 1994): 343-344.

[94] FEER (July 21, 1994): 21.

ASSESSING UNTAC's EFFECTIVENESS

As discussed in Chapter Three, there are four measurements of operational effectiveness: mandate performance, conflict resolution, conflict containment, and limiting casualties caused by the conflict. In commenting on UNTAC's mandate performance, SGSR Akashi has stated that

> [i]t is true that the factions did not disarm, as they had promised to do when they signed the Paris Agreements, and it is true that the "neutral political environment" proved unattainable in the midst of Cambodia's violent political culture. But the achievements of UNTAC are real.[95]

These real achievements include having 90% of Cambodians, including those residing in the territory of the Khmer Rouge (including some of its own members), voting in a free and fair election.

As the section on the development of the operation illustrated, it was obvious that UNTAC failed to complete the military aspects of its mandate. As Son Soubert, Vice-President of the National Assembly, remarked, "We're still suffering from the failure of the UN to canton, disarm and demobilize the Khmer Rouge. It's only aim was to achieve the election."[96] In addition, UNTAC, despite some accomplishments, did not achieve the intended control over Cambodia's civil administration.[97] For example, although UNTAC was granted the formal authority to remove individuals from their posts, as a DPKO official intimated, "we tried twice, and failed.... we did not try again."[98] This meant that, as Gareth Evans noted, "UNTAC was unable to deal effectively with corruption and with the continuing intimidation by the SOC of political figures from other parties during the election period."[99] In many cases UNTAC was reduced to "processing" the decisions of the Phnom Penh regime.[100]

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[95] A Vote for Peace: 4-5.

[96] Edmonton Journal (July 8, 1994): A11.

[97] See Doyle, UNTAC's Civil Mandate: 36-45.

Despite not completing its military and civil administration functions, UNTAC did achieve the election. One cannot overestimate the impact that a 90% electoral turnout has had on the politics of Cambodia. The fact that UNTAC succeeded in conducting the election, which was so astounding given the obstacles, and which was unprecedented in Cambodian history, should not be outweighed by its inability to disarm the factions. UNTAC was an example of how "multidimensionality --- putting eggs in more than one basket --- allows for single failures and overall success."[101] In short, UNTAC succeeded in implementing some aspects of its mandate, while failing in others. Thus, it must be viewed as having been moderately effective in its mandate performance.

The second indicator of operational effectiveness is facilitating the resolution of the conflict. As Chapter Three explained, conflict resolution requires some form of power sharing arrangement among the parties which eliminates the need for violence. Despite the creation of a new coalition government following the May election, Cambodia cannot be viewed as having achieved an ultimate resolution to its conflict for two reasons. First, as was mentioned earlier, the CPP has resisted handing over power in those areas of responsibility that were delegated to FUNCINPEC. More seriously, the Khmer Rouge continue to constitute a threat to peace in Cambodia. The Khmer Rouge have neither joined the RCG, nor have they been disarmed and demobilized. From their bases in the jungle along the Thai-Cambodian border, the Khmer Rouge have been involved in a series of low-level clashes with the RCAF. Some critics, like Ben Kiernan, have argued that the peacekeeping operation has, in fact, enabled the Khmer Rouge to become stronger.[102] The potential that the low-level conflict between the RCG and the Khmer Rouge could escalate into a full-scale civil war is real.

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[98] Confidential interview, New York, Nov 14, 1994.

[99] Gareth Evans, "Peacekeeping in Cambodia: Lessons Learned" NATO Review (August 1994): 26.

[100] Um: 74.

[101] Doyle and Suzuki, "Transitional Authority in Cambodia:" 139.

Nevertheless, the fact that an ultimate resolution to the conflict in Cambodia has not occurred should not diminish the advances to political reconciliation which were facilitated by UNTAC. First, the democratic experience that ordinary Cambodians received through the 1993 election should not be underestimated. Second, there has been some important reconciliation between three former adversaries: FUNCINPEC, the CPP, and the KPNLF. Third, in the three years since the election, and despite the existence of some fighting, there has not been a renewal of a full-scale civil war with the Khmer Rouge. Finally, it is undeniable that Cambodia has made tremendous progress towards resolving its conflict. After a quarter-century of fighting, it is unrealistic to assume a complete transition to a unified, peaceful, and democratic state. With each passing day, the RCG is becoming more united, and the risk of civil war with the Khmer Rouge is diminishing. It is for these reasons that UNTAC has been moderately effective at facilitating conflict resolution in Cambodia.

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[102] See, in particular, the maps which show the Khmer Rouge's main areas of operation in October 1991 and March 1993 in Kiernan, "Inclusion of the Khmer Rouge:" 214-215.

Using the third indicator, conflict containment, one must judge UNTAC as an effective operation. The Cambodian conflict had been greatly exacerbated by the cold war aims of the superpowers. In fact, Findlay has stated that an "outspoken strategic aim of the Paris Accords" was "the de-internationalization of the Cambodian conflict."[103] Thus the only way that the Paris Accords could have been signed, let alone the peacekeepers deployed, was a reconciliation amongst the superpowers, and their client states (like Vietnam). As a result of the peacekeeping operation, it is unlikely that Cambodia will be a source of regional tension.

Finally, UNTAC was moderately effective at limiting the casualties caused by the conflict. UNTAC was unable to maintain the cease-fire intended by the Paris Accords, and political violence was a constant problem in the run-up to the election. In fact, Kiernan, after cataloguing a series of Khmer Rouge atrocities, remarked that "they continued to murder innocents with a brutality unequalled since their 1979 ouster."[104] For example, the Khmer Rouge, in the month of March 1993 alone, killed over 100 ethnic Vietnamese. A second category of deaths were officials of the four major political parties. Following an investigation by UNTAC's human rights component, the Phnom Penh regime was assigned responsibility for 46 deaths, the Khmer Rouge 37, and 76 deaths were unattributed.[105] In addition, 20 UNTAC civilian and military personal were killed as a direct result of hostile action.[106] Nevertheless, the actual election was free of violence and although the cease-fire violations, primarily between the Phnom Penh regime and the Khmer Rouge, were serious, they never escalated into the full-scale civil war that Cambodian history would have suggested. Further evidence that UNTAC did play a role in limiting some of the violence that could have occurred was the level of fighting between the RCAF and the Khmer Rouge following the election, which was stronger than at any time during UNTAC's mandate. In fact, the fighting at Pailin and An Long Veng was so fierce that over 30,000 refugees had to flee temporarily into Thailand.[107] Thus, UNTAC was only moderately effective in limiting casualties in Cambodia.

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[103] Findlay: 106.

In sum, UNTAC was a moderately effective operation. Although it failed to reach an ultimate resolution to the conflict, and had a mixed record in limiting casualties, it did complete important aspects of its mandate and contained the conflict. UNTAC's success in conducting the election, under the very real threat of violence, which allowed the Cambodian people to express their self-determination, must be seen as a shining symbol of success for the peacekeeping operation. The popular mandate that the RCG received has been a critical constraint in preventing a return to full-scale bloodshed. Finally, given Cambodia's violent political culture[108] and history of war, UNTAC did the best that could have been possible. As Curtis acknowledged, "however much flawed in its design or compromised in its implementation, the peace process offered Cambodia and its people the best and possibly only hope for an end to two decades of war, suffering and hardship."[109]

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[104] Kiernan, "Introduction:" 25.

[105] Doyle, UNTAC's Civil Mandate: 47.

[106] A Vote for Peace: 104.

[107] S/1994/645, 31 May 1994.

EXPLAINING UNTAC'S PERFORMANCE

UNTAC's performance in Cambodia will likely make it a model for other UN operations to follow as they work to resolve other internal conflicts. It attempted many unique tasks, and while it was ineffective at some, it was effective at others. Therefore, it is important to identify the factors which can explain UNTAC's performance. This is not an exhaustive list, but rather a compilation of those factors which were deemed most relevant to explaining UNTAC's performance. While some of these lessons may appear to be obvious, they nonetheless need to be re-emphasized and not taken for granted.

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[108] Pierre Lizée argues that the UN failed to resolve the conflict because Cambodian's "attitude toward conflict differs fundamentally" from the UN's. See Lizée, "Peacekeeping, Peace-Building and the Challenge of Conflict Resolution in Cambodia" in The Challenge of Civil Conflict Resolution: 135-148.

[109] Grant Curtis, "Transition to What? Cambodia, UNTAC and the Peace Process" Discussion Paper No. 48 (Nov 1993): 14.

i) GREAT POWER SUPPORT

The first factor which influenced UNTAC's performance was great power support. This was particularly important in the case of Cambodia given the legacy of great power interference during the cold war. The role of the P-5, and China in particular, was crucial to the success of the operation. Of obvious significance was the end of the Cold War in 1989. Since Soviet President Gorbachev's accession to power in 1985, aid to Vietnam had been steadily reduced, and by 1989 it was eliminated entirely. This was instrumental in the withdrawal of Vietnamese forces from Cambodia in 1989. When the Phnom Penh regime lost its foreign sponsor, it was forced to pursue peace talks with the CGDK, which was aided by the United States and China. The easing of great power rivalry, which accompanied the end of the Cold War, also allowed the P-5 to work more in concurrence as the Security Council had been originally envisaged.

It must be emphasized that it was through the efforts of the P-5, and their 1990 "Framework Document," that the 1991 Paris Accords were concluded. Although the 1989 Australian initiative, which took into consideration the progress made through the JIM, was an important contribution to the negotiations, the peace process only took off when the P-5 accepted the thrust of the proposal. The P-5 began private talks in January-March 1990 on the Australian proposal and these discussions led to an agreement on principles which was the basis for the "Framework Document." It is also important to note that the "Framework Document" and the subsequent Accords were almost identical, thus illustrating the critical role that the P-5 played in its creation. Once the P-5 had come to an agreement it was difficult for the Cambodian factions to alter the document. For example, during the PCC the Cambodian factions complained about the diminishing role of the SNC. They were told by French Foreign Minister Roland Dumas and Indonesian Foreign Minister Ali Alatas, the Co-Chairman of the PCC, that the peace plan "can be improved, but it cannot be put into question."[110]

The P-5 were also members of the Core Group (which also included Australia, Japan, Indonesia, Thailand, Germany, Canada, and India). The Core Group had a great deal of contact with the SNC, with Akashi acting as a liaison between the two. As a UN official remarked, during SNC meetings the Core Group "were not at the table, but they were sitting along the wall."[111] Australian Foreign Minister Gareth Evans has noted that the Core Group "maintained a commitment to Cambodia's future within the international community, and were also useful in focusing and maintaining pressure and persuasion on the Cambodian factions to comply with the terms of the Paris Agreements."[112] DPKO officials also pointed out that the Core Group provided an important element of consensus when the decision was made not to allow UNTAC Chapter VII powers to deal with the Khmer Rouge.[113]

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[110] Peang-Meth: 38.

[111] Confidential interview, New York, Nov 14, 1994.

Finally, the P-5 were also responsible for the Security Council resolutions that enabled such a large, and expensive, operation to be created. In addition, P-5 members, especially the French and the Chinese, also supplied troops to the operation. In fact, the French were so anxious to participate that a dispute with the Australians emerged over who would fill the military commander position. This was resolved with UNAMIC being led by a French Brigadier-General Michel Loridon, while UNTAC would be commanded by Australian Lieutenant-General John Sanderson with Loridon as his deputy.[114] The US also aided the process by relaxing its trade embargo against Cambodia following the signing of the Paris Accords.

While the dedication of the entire P-5 was crucial, China deserves to be singled out for its role. Simply stated, without the work of the Chinese there would have been no peace in Cambodia. The motivation behind China's actions was likely due to the lessening of tensions between itself and Vietnam, its role in Southeast Asia, its desire to improve economic relations with the United States, and its desire to rehabilitate its image in the world community after Tiananmen. Whatever its motivations, China was instrumental in securing the implementation of the Accords. China was the most important foreign supporter of the Khmer Rouge. Therefore, its decision to cut off military and financial aid has significantly weakened them. China also placed diplomatic pressure on the Khmer Rouge to abide by the Accords. As Khmer Rouge leader Khieu Samphan complained,

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[112] Evans: 27.

[113] Confidential interviews, New York, Nov 8-14, 1994.

[114] Confidential interview with DPKO official, New York, Nov 8, 1994.

> China has no interest in supporting the (Khmer Rouge) in violation of the Paris agreement. China needs to have good relations with the West in all fields --- trade, diplomatic, and economic. China also wants to have good relations with Vietnam, now that there is no more Soviet Union.[115]

China also aided the implementation of the Accords by tacitly supporting economic sanctions against the Khmer Rouge by abstaining on Resolution 792. China could not be seen as supporting the principle of sanctions, but since it also wanted to see the Accords succeed, it decided not to *prevent* the imposition of sanctions.[116]

Ben Kiernan has been critical of the P-5's involvement in the Cambodian peace process. He has argued that there existed a "more viable path to peace, one originating in regional developments and initiatives rather than the interests of the great powers. That alternative route to a Cambodian settlement, obstructed by the `Perm-5' powers, did not require the cooperation of the Khmer Rouge."[117] While Kiernan offers a critical perspective on the Cambodian peace process, it is beyond the scope of this chapter to judge the best way that peace could have been brought to Cambodia. Instead, this chapter restricts itself to an analysis of the peacekeeping operation in Cambodia and, without a doubt, the P-5 played an indispensable role in the effectiveness of that operation.

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[115] FEER (Aug 20, 1992): 9.

[116] UN Chronicle (March 1993): 26.

ii) REGIONAL POWER SUPPORT

In addition to great power support, UNTAC showed the necessity of support from regional powers. While it is important that regional actors help promote the resolution of conflict in a neighbouring state, it is just as important that none of the regional states disrupt the peace process. UNTAC was aided by states which either facilitated the peace process or refrained from its disruption. One exception from the above pattern was Thailand, which was a unique case, and will be dealt with separately at the end of this section.

The most important regional actors in promoting the resolution of the Cambodian conflict were the ASEAN members. ASEAN members were present at the PCC, placed Indonesia and Thailand on the Core Group, and sent sizable contingents as part of UNTAC. Indonesia, which due to its size and population acts as the de facto head of ASEAN, took a significant leadership role by arranging the first face-to-face meetings between Phnom Penh regime leader Hun Sen and CGDK leader Prince Sihanouk in 1987. Indonesia hosted additional high-level talks and was also Co-Chairman of the PCC. The use of Jakarta as a host city was important because Sihanouk and the Khmer Rouge were frequently unable to travel to Phnom Penh.[118] The JIMs "did make a significant contribution to the evolving peace process, although the final settlement of the conflict was managed through accommodation between the principal external powers."[119] Indonesia was perfectly placed to act as an honest broker for the Cambodian peace process, because it was a regional power that was not tainted by involvement with the factions.

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[117] Kiernan, "Introduction:" 18.

Also exercising regional leadership was Australia which sat as a member of the Core Group. Its 1989 initiative, which helped refine the idea of the SNC, was a crucial middle step between the JIMs and the P-5's "Framework Document." Australian Foreign Minister Gareth Evans was a constant international presence throughout the drafting and implementation of the Paris Accords. Australia also contributed a sizeable contingent of military and civilian personnel, including the Force Commander General Sanderson, to UNTAC. The support that Australia provided was so crucial that, as US Major George Steuber pointed out, "if the Australians had not been in the mission, UNTAC and UNAMIC would have failed in January [1992] at the latest, rather than having plugged along minimally successfully for one year now. The Australians saved our butts."[120]

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[118] The Khmer Rouge would not travel to Phnom Penh until the first SNC meeting in December 1991, and pulled its delegation out a couple of months later. Prince Sihanouk was in exile from Cambodia until November 15, 1991.

[119] Amitav Acharya, A New Regional Order in South-East Asia: ASEAN in the Post-Cold War Era Adelphi Paper No. 279 (London, Aug 1993): 11.

The regional power which did not *prevent* the Cambodian operation from being a success was Vietnam. Vietnam's motivations, the elimination of Soviet aid and the hope of ending American economic sanctions, were entirely out of self-interest. Nevertheless, Vietnam's withdrawal from Cambodia in 1989 was the starting point for peace in Cambodia. Moreover, Vietnam showed great restraint by not intervening following the deaths of many ethnic Vietnamese during the operation. Vietnam-Cambodian relations are going to remain tense in the future, there are disputes over borders, refugees, and memories of domination,[121] but the fact remains that Vietnam allowed Cambodians the opportunity to choose their own fate.

There was no doubt that Thailand was "a very sensitive issue" within the UN. According to DPKO officials, Thailand "had two voices" on the Cambodian peace process.[122] The civilian Thai government was a strong supporter of the Accords. For example, it provided key assistance to the diplomatic efforts in obtaining a compromise among the Cambodian factions. In addition, it sat on the Core Group and was a strong supporter of UNTAC. Thus, the role of Thailand's government, as Alagappa stated, "was especially significant in bringing about national reconciliation and the operationalisation of the SNC."[123]

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[120] Quoted in Findlay: (note 24) 109.

[121] For more information on Cambodia's relations with Vietnam see FEER (Sept 9, 1993): 13; and Phnom Penh Post (April 4, 1996): 3.

[122] Confidential interview, New York, Nov 14, 1994.

However, the autonomous Thai military operated quite differently. It allowed the Khmer Rouge to use parts of its territory as a base and clearly violated the Security Council's economic sanctions. This cushioned the Khmer Rouge from the withdrawal of Chinese aid. Sihanouk realized this fact and complained that the only "country which can impose some discipline on the Khmer Rouge" is "Thailand, none but Thailand."[124] In fact, the government of Thailand needed, but was unable, to impose some discipline on its own military. The Thai military, especially those units stationed on the Thai-Cambodian border, had some important commercial reasons for their support of the Khmer Rouge. For example, Thai companies, which included high-ranking military officers, were becoming rich through the Khmer Rouge gem and timber industry.[125] These actions by the Thai military have greatly strained Bangkok-Phnom Penh relations.[126] Although the UN had discussions about placing UNTAC forces on the Thai side of the border, it did not force the issue when Bangkok resisted because of an appreciation for the delicate situation that existed between the Thai government-Thai military, and the Thai military-Khmer Rouge.[127] In sum, the Thai government supported the Paris Accords, but it was unable to prevent its military from aiding and abetting the Khmer Rouge.

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[123] Alagappa: 203.

[124] FEER (July 30, 1992): 18.

[125] Abuza: 1016-1018.

[126] FEER (April 28, 1994): 20.

iii) SUPPORT OF THE PARTIES TO THE CONFLICT

The third factor effecting UNTAC's performance was the importance of a formal agreement by the local parties. An agreement by the local factions shows consent, and without full consent, you do not have peacekeeping, you have intervention. Ratner notes that "this process will take time, but it should not be passed over quickly in favour of reliance upon less clear forms of consent." Moreover, "formal consent clarifies the extent of the UN's mandate and commits the parties legally to the operation."[128] The Paris Accords, which set the stage for UNTAC, were indispensable because all four of the factions, at least in the beginning, recognized the legitimacy of UNTAC. The creation of the SNC was also an important development because it acted as the forum through which the parties to the conflict could support the peace process.

Ultimately, however, the Cambodian parties removed their support for UNTAC. The Phnom Penh regime would not allow the implementation of UNTAC's civil mandate, and the Khmer Rouge prevented the implementation of the disarmament and cantonment functions. Despite their non-compliance with many aspects of UNTAC's mandate, the Cambodian parties never denounced the Paris Accords or demanded the withdrawal of UNTAC from Cambodia. This allowed UNTAC to succeed in repatriating refugees and conducting the election, but, as Doyle emphasized, these "were actions taken by or directly organized by UNTAC that did not require the positive cooperation of the four factions to be effective."[129] In short, the parties to the conflict did not cooperate with many aspects of UNTAC's mandate. On the other hand, for the most part, they did not forcibly prevent UNTAC from performing its mandate.

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[127] DPKO official in a confidential interview, New York, Nov 8, 1994.

[128] Ratner, "The United Nations in Cambodia," 265.

The frequent absence of support from the parties to the conflict might have been enough to derail the Paris Accords were it not for the general Cambodian population's commitment to the peace process. When met with resistance from the Cambodian parties, UNTAC decided to bypass them and appeal directly to the citizenry. UNTAC was rewarded for their decision when war-weary Cambodians turned out in overwhelming numbers for the election. Force Commander Sanderson noted that UNTAC was able to "forge an alliance" with the Cambodian people to "overcome the intrigues of their faction leaders and deliver an opportunity to them to break free from the prolonged cycle of fear and coercion."[130] This strategy, which resulted in the success of the election, "saved" the Paris Accords.

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[129] Doyle, UNTAC's Civil Mandate: 70.

[130] Quoted in Findlay: 112.

iv) SNC

The fourth factor, and related to support from the parties to the conflict, was the SNC which was the key mechanism through which the parties' support could be administered. The fundamental issue in civil wars is who governs the country. Even when there is an agreement to resolve the conflict through an election, the governance question still exists for the critical transitional period before the election. Whoever controls the state apparatus in the run-up to an election, particularly in a country with no history of pluralistic democracy, has a tremendous advantage. Thus, in resolving an internal conflict, a solution to this dilemma must be found.

Prior to the Paris Accords, both the Phnom Penh regime and the CGDK claimed that it was the legitimate government of Cambodia. In fact, both sides possessed some diplomatic recognition of that fact.[131] The solution was to create, in the words of Michael Doyle, "an ad hoc, semisovereign mechanism designed to manage a peace process."[132] The result, due to the previously mentioned efforts by Solarz and Evans, was the SNC which had representatives from all the Cambodian factions. The SNC

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[131] For example, the People's Republic of Kampuchea (formed by the Phnom Penh regime) was recognized by approximately 30, mainly Soviet bloc and the Third World, countries. Meanwhile, Democratic Kampuchea (which was the state formed by the Khmer Rouge, and eventually represented by the CGDK) was recognized by almost 80, mainly Western, countries. Finally, several countries refused to recognize anybody as the government of Cambodia. Ratner, "The Cambodia Settlement Agreements:" 9 (n45).

[132] Doyle, UNTAC's Civilian Mandate: 83.

"enshrined" Cambodian sovereignty during the transitional period. The SNC then "delegate[d] to the United Nations all powers necessary to ensure the implementation" of the Accords.[133] Essentially, the Accords called for the UN to administer Cambodia during the transitional period, and the SNC was created to grant the UN that legal authority.[134]

Critical to the success of the SNC was UNTAC's flexibility in dealing with it. For instance, SGSR Akashi, despite possessing the formal power, decided to refrain from making unilateral decisions.[135] Akashi realized that if he made unilateral decisions, and they were ignored by the factions, it would greatly damage his credibility. This was because it was unlikely that Akashi could count on the Security Council backing his decisions by force. Thus, Akashi concentrated his energies on using persuasion to reach a consensus.[136] By working for unanimity in most instances, Akashi's decision to overrule the SNC's electoral law carried greater weight. This was a singular incident, and the factions, in the end, felt that Akashi's decision was warranted. Had unilateral decision-making by UNTAC been the norm, rather than the exception, it is unlikely that this compromise would have been accepted.

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[133] A/46/608-S/23177, 30 October 1991.

[134] For the legal arguments surrounding the SNC see Ratner, "The Cambodia Settlement Agreements:" 9-12.

[135] A/46/608-S/23177, 30 October 1991.

[136] Ratner, "The United Nations in Cambodia," 255-256.

The SNC was a necessary creation, both legally and politically, for the large-scale intervention into the internal affairs of Cambodia by the UN. This allowed UNTAC to conduct, rather than simply supervise or monitor, the election. In addition, the SNC acted as a forum for the four Cambodian factions, UNTAC, and the Core Group to meet on a regular basis. Thus, the SNC was, as one DPKO official called it, "the success story of Cambodia."[137]

v) MANDATE

UNTAC also illustrated the importance of the mandate. Although a clear mandate is important, it is less important then the support of the great, regional, and local powers. As Durch stated, "an ambiguous or incomplete mandate can indeed make a straightforward mission difficult, or a difficult mission impossible, but the clearest mandate in the world cannot make an impossible mission more feasible."[138]

For cases where peacekeeping is used to implement a peace agreement, UNTAC demonstrated that its mandate must be contained in the comprehensive settlement agreement. Instances where the peacekeepers have had difficulty, such as Angola, can be partially traced to the fact that the operation was only peripherally connected to the overall peace agreement.[139] However, in the Cambodian case, UNTAC was a critical aspect of the Accords.[140] In fact, it is unlikely that the Accords would have been signed had UNTAC's extensive powers not been explicitly stated. If the UN forces are going to play a role in implementing a settlement agreement its powers must be clearly spelled out in the beginning, otherwise any troops that do arrive will lack the necessary authority.

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[137] Confidential interview, New York, Nov 14, 1994.

[138] Durch, "The Political-Military Context," 26.

In implementing its mandate, UNTAC relied on a two-track approach regarding its use of force. First, it adhered to one of the three traditional tenets of peacekeeping by exercising restraint on the use of force. When UNTAC was faced with the Khmer Rouge's decision not to co-operate, it was faced with three options. First, it could try to enforce the Accords by force. This would require its mandate to be strengthened under Chapter VII. This option had some strong support in UNTAC. Gerard Porcell, a senior civilian in UNTAC, argued that the non-use of force meant that, "we don't have the will to apply the peace accords. This absence of firmness with the Khmer Rouge was a sort of signal for the other parties who saw there the proof of UNTAC's weakness towards the group that from the start eschewed all cooperation."[141] The non-use of force also led to the resignation of UNTAC deputy-commander Michel Loridon. A second option was that, instead of strengthening its mandate, UNTAC could simply withdraw from Cambodia. After much discussion with the UN and the Core Group, UNTAC decided against both of these extremes and sought a third option. The calculation was made that it did not have the military strength to enforce the demobilization aspects of the Accords and no additional strength would likely be forthcoming. Moreover, the UN, and the contributing states to UNTAC[142] feared getting bogged down in a military conflict with the Khmer Rouge if peace-enforcement was attempted. However, the UN felt that a withdrawal would be almost as bad, damaging the institution, the international community, and Cambodia. Thus, it decided to "soldier on" with the election at the expense of its disarmament functions.[143] Madeleine Albright, US Ambassador to the UN, has stated that "the decision of UNTAC officials to avoid being drawn into violent confrontations, despite repeated provocations" was one of the factors for UNTAC's success.[144]

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[139] The UN's Special Representative Margaret Anster for Angola has made this point regarding UNAVEM II "Letters --- Angola's forgotten war" The Economist (April 16, 1994): 8.

[140] A/46/608-S/23177, 30 October 1991.

[141] Quoted in Doyle, UNTAC's Civilian Mandate: 67.

The second feature was that UNTAC persevered in implementing its mandate despite the fact that the Cambodian parties did not live up to their commitments that were contained in the Paris Accords. This was shown when UNTAC was forced to abort the demobilization process due to a lack of cooperation from the Cambodian parties. UNTAC decided to concentrate on the election with the hope that as conditions improved "Khmer Rouge cadres and their families would vote with their feet" and return to Cambodian-controlled territory.[145] Despite threats of violence by the Khmer Rouge, UNTAC went ahead with the elections. It would not be intimidated or deterred. In fact, there is evidence that UNTAC was prepared to use force to defend the electoral process.[146] In sum, UNTAC's performance was enhanced by its combination of restraint in the use of force *and* its persistence in the face of opposition.

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[142] According to confidential interviews with officials from several of UNTAC's contributing states, there was little support for a greater use of force by UNTAC, New York, Nov 8-16, 1994.

[143] Confidential interview with a DPKO official, New York, Nov 14, 1994.

[144] US State Department, Dispatch (Nov 15, 1993): 791.

vi) INTERNAL ORGANIZATION

The final factor which affected UNTAC's performance was its internal organization. This included obtaining a sufficient amount of resources and deploying the operation in a timely manner. UNTAC with 22,000 personnel, and at a cost of $2.8 billion, illustrates that the size of the force must correspond to the demands of the operation. UNTAC was given enough military troops to accomplish its task, providing that the local parties had co-operated, but it showed deficiencies in the area of civilian personnel and police. Although UNTAC was assigned unprecedented civil administration responsibilities, it was not supplied with enough civilian workers to accomplish its duties. For example, while there were 19,500 soldiers, there were only about 2,000 civilians. Moreover, of these 2,000 civilians, only 126 were assigned to supervise 200,000 bureaucrats from the Phnom Penh regime.[147] According to Boutros-Ghali, the inability to recruit sufficient civilians was due to "the high degree of specialization in the functions required to be performed."[148] This lack of civilian workers contributed to UNTAC's inability to effectively perform its civil administration tasks.

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[145] William J. Durch, "Epilogue: Peacekeeping in Uncharted Territory" in The Evolution of UN Peacekeeping: 468.

[146] Findlay: 134.

In addition to the quantity of civilian personnel, concerns were expressed over their quality. Although there were some superbly qualified individuals, UNTAC lacked many competent civilian personnel and this greatly affected UNTAC's ability to perform the duties asked of it. Gareth Evans was deeply critical of the lack of a clear standard for UN workers, noting that their quality ranged from "highly qualified professionals to those who were incompetent and, in some cases, a menace to their colleagues."[149] There were many members of UNTAC who were incapable of speaking English or French (UNTAC's working languages) let alone Khmer. In addition, the conduct of several members of UNTAC was, in several cases, deplorable. These problems of quality extended to UNTAC's 3,600-strong civilian police. SGSR Akashi has admitted that

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[147] Will: 396.

[148] S/23870, 1 May 1993.

[149] Evans: 26.

"the quality and qualifications of police sent by different countries were rather uneven."[150]

There is an accepted view among experienced peacekeepers that "the first six weeks of an operation are the most critical." During this time the operation must "organize itself and present a credible face to local parties."[151] Given that an agreement starts obsolescing the moment that it is signed, a late deployment allows the parties to backslide from their commitments. UNTAC's late arrival in Cambodia, eight months after the signing of the Paris Accords, contributed to the resistance from the Phnom Penh regime and the complete withdrawal of the Khmer Rouge. As UNTAC Force Commander Sanderson stressed, "the longer the delay between signature and implementation, the more the margin for changes on the ground, which may in turn cause them to change their position."[152]

The principal reason for UNTAC's late deployment was because Secretary-General Boutros-Ghali would not deploy the troops until the budget was passed and a large percentage of the assessments was received.[153] This was caused by the following factors: the UN Secretariat's estimates of the cost of UNTAC were not detailed enough, the fluid situation on the ground made it difficult to arrive at precise costs, questions over whether the refugee repatriation program would be included in the peacekeeping budget, and Japan (the major donor country) wanted a say in the budget planning.[154] DPKO officials argued that UNTAC's deployment delays were not unique, that all peacekeeping operations take time to deploy because they cannot be planned in advance. They also added that UNTAC's deployment problems were magnified because it was the UN's first stab at a complex operation with civilian requirements, and moreover, UNPROFOR was being deployed at the same time.[155] As one observer commented, Cambodia illustrated the fact that if a mission is to succeed, "it must `hit the ground running' and begin immediately to take control before counter-veiling forces can solidify and neutralize the impact of the peacekeeping mission."[156]

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[150] Akashi, "The Challenge of Peacekeeping in Cambodia:" 214.

[151] Durch and Blechman, Keeping the Peace: 34.

[152] Quoted in Doyle, UNTAC's Civilian Mandate: 60.

[153] S/23458, 24 January 1992.

It was hoped that UNAMIC, which was supposed to do a lot of the advance work for UNTAC, would have compensated for UNTAC's late arrival. However, UNAMIC, as one of the Cambodian desk officers for DPKO official commented, "did not do as much as we had hoped."[157] This was due to the fact that the Cambodian parties, in particular, but not exclusively, the Khmer Rouge, refused to co-operate with UNAMIC. The Cambodian parties argued that because UNAMIC was not mentioned in the Paris Accords, they had not given their consent to its mandate. One diplomat who had assisted with the drafting of the Accords has admitted that "there was a major screwup in this whole process --- and that is UNAMIC. UNAMIC was only an afterthought when the peace accord was drawn up. No one believed it would take so long for UNTAC to be deployed and no one took this interim period as seriously as, in hindsight, we should have."[158]

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[154] Findlay: 114.

[155] Confidential interviews, New York, Nov 8-14, 1994.

[156] United States. Senate. Committee on Foreign Relations. Subcommittee on Terrorism, Narcotics and International Operations. Foreign Relations Authorization Act: United Nations Peacekeeping and Management. Testimony of Frank C. Conahan. Assistant Comptroller General, National Security and International Affairs Division, General Accounting Office (June 9, 1993): 6.

[157] Confidential interview, New York, Nov 8, 1994.

On balance, however, UNTAC provides a good example of an effective internal peacekeeping operation. The importance of great, regional, and local power support to the effectiveness of a peacekeeping operation has been emphasized. In addition, the usefulness of a flexible mandate which exercises restraint on the use of force and which is persistent in the face of opposition has been identified. UNTAC has also shown that an effective operation requires a judicious relationship between its resources and its mandate. Finally, UNTAC illustrated that there are factors, entirely under their own control, which can contribute to the effectiveness of the peacekeeping operation. For example, UNTAC's late deployment and its lack of competent civilians limited its effectiveness, particularly in its civil administration duties.

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[158] Quoted in Findlay: 25-26.

CONCLUSION

UNTAC has shown that a peacekeeping operation can play a significant role in the resolution of an internal conflict. Cambodia had been beset by civil war since the 1960s, and had suffered significant foreign interventions, but it now has hope for the future. Two years after the election, Cambodia has a new constitution and an internationally recognized, albeit fragile, government. Serious concerns remain in Cambodia, including the unity of its government and army, and the threat from the Khmer Rouge. The UN has helped give Cambodia a new lease on life, but the only guarantee for the ultimate peaceful reconciliation of Cambodia remains in the hands of the Cambodian parties.

UNTAC also illustrated how a peacekeeping operation can respond when one of the parties to the conflict decides to backslide from the peace plan. Faced with the recalcitrant Khmer Rouge and, to a lesser extent, the Phnom Penh regime, UNTAC decided against a greater use of force, or withdrawing. The result, as Gareth Evans stated, was "a successful example of soldiering on."[159] By exercising persistence and restraint, UNTAC, with a great deal of dexterity, concentrated its efforts on conducting the election. The Cambodian people reacted by supporting the election in overwhelming numbers.

Also demonstrated by UNTAC was that the key to an effective peacekeeping operation is the support of the parties to the conflict. Although UNTAC was supported by great and regional powers (the Thai military notwithstanding) and provided with a detailed peace plan, it could not overcome the resistance of the local parties. When the Khmer Rouge would not abide by their security commitments, the Paris Accords almost unravelled. It is important to note that UNTAC's success in conducting the election, was due, in part, to the fact that it was not dependent upon the co-operation of the Cambodian parties. Although UNTAC undermined its efforts through its deficiencies in its internal organization, the fundamental reason for UNTAC's moderate, rather than complete, effectiveness was the limited support given by the Cambodian parties.

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[159] Evans: 27.

CHAPTER FIVE

SOMALIA

When Somali President Siad Barre was overthrown in January 1991, it plunged the country into anarchy. The United Somali Congress (USC), which ousted Barre, could not assume effective control of the country, and instead Somalia disintegrated into clan warfare and indiscriminate lawlessness. As Boutros-Ghali stated in a report to the Security Council in 1992, "Somalia is today a country without central, regional or local administration, and without services: no electricity, no communications, no transport, no schools and no health services."[1] Thus, Somalia, despite possessing both a territory and a population, lacked an essential feature of statehood: an authority with a monopoly on the legitimate use of force. As a result of this anarchical situation, a severe humanitarian crisis emerged. This crisis was caused by a multitude of factors: the 1988-91 struggle to depose Barre, the resulting civil war between different factions of the USC, the resumption of fighting by Barre loyalists, and a famine caused by drought and compounded by the fighting. It is estimated that between November 1991 and November 1992 as many as 300,000 people had died, 1.5 million were at serious risk, and almost 4.5 million (half of Somalia's population) were threatened by starvation.[2] In addition, there were 1 million Somali refugees scattered across the

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[1] S/24343, 22 July 1992.

[2] United Nations The United Nations and the situation in Somalia Rev. 1 (April 1993): 1.

Horn of Africa. Thus, Somalia became a prominent example of a "failed state."

Into this vortex strode the United Nations (and the United States). According to James Jonah, the former UN Under-Secretary-General for Political Affairs, "the UN approach was to apply the concept of humanitarian intervention in the context of a peacekeeping operation."[3] The UN started with UNOSOM I, added the United States-led UNITAF, and concluded with a merger of the two into UNOSOM II. Nevertheless, after three long years of involvement, with the best of intentions by the United Nations, the United States and the rest of the international community, "it is as though nothing has changed: Somalia has come full circle."[4] Further, the UN's failure in Somalia has seriously damaged the organization's capability and legitimacy, and thus will act as a serious impediment to further peacekeeping operations.

This chapter is divided into four parts. First, a brief history of the conflict, with an emphasis on the origins of the present crisis, will be presented. This will introduce the key Somali actors and provide some context for the UN's intervention. Second, the development of the three operations will be examined. Third, a full assessment of the effectiveness of the operations will be concluded. Finally, there will be an explanation of UNOSOM II's performance.

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[3] Jonah, "Humanitarian Intervention:" 72.

[4] Africa Report (May/June 1994): 20.

HISTORY OF THE CONFLICT

Some understanding of Somalia's history is needed to comprehend the present conflict.[5] In 1960, Somalia was granted its independence when Italian Somalia was merged with British Somaliland. Although Somalia was now independent it soon found itself immersed in the dynamics of cold war politics. Siad Barre came to power in 1969 in a coup which toppled the fledgling democracy. Barre pledged to govern Somalia through "scientific socialism." This dedication led to increased aid, including, of course, military assistance from the Soviet Union. Soviet support of Somalia came to a halt when Barre initiated a war with Ethiopia in 1977, which had recently left the US camp to become a Soviet client state. Sensing an opportunity to redress this shift in the Horn of Africa's balance of power the Americans quickly replaced the Soviets as the patron of the Somali government. In the next ten years, the US supplied over $200 million worth of military aid to Somalia, with economic assistance providing another $500 million.[6] The extent of Soviet-American military aid resulted in Somalia being a very well-armed country.

Uprisings against Barre, which had been constant throughout his reign, intensified in 1988. Somalia was essentially in a civil war situation from 1988 to 1991. There were two main groups opposing the Barre government. The first was the USC which was based in the southern part of Somalia. The second was the Issak-dominated Somali National Movement (SNM) which was based in the northwestern region of what was once British Somaliland. As the war progressed the USC became stronger as other opposition groups, like the Somali Patriotic Movement (SPM) and the Somali Democratic Alliance (SDA), joined it. Finally, Barre was forced to flee Somalia in January 1991. However, Barre's final gift to Somalia before his flight was the destruction of much of southern Somalia's farmland: "the troops slaughtered livestock, plundered crops, and looted seeds and tools."[7] This destruction was a major cause of the resulting famine.

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[5] See I.M. Lewis, A Modern History of Somalia: Nation and State in the Horn of Africa Second Edition (Boulder, Col, 1988) and Samuel M. Makinda, Seeking Peace from Chaos: Humanitarian Intervention in Somalia (Boulder, Colo, 1993).

[6] Jeffrey Clark, "Debacle in Somalia: Failure of the Collective Response" in Enforcing Restraint: 209.

Barre's departure from Somalia did not end the fighting. The civil war renewed between two factions of the USC. Ali Mahdi Mohamed, a wealthy Mogadishu businessman, proclaimed himself President of Somalia. However, Ali Mahdi's plans were opposed by the chairman of the USC, General Mohammed Farah Aidid, who had his Somali National Alliance (SNA) troops engage Ali Mahdi's forces. In addition, the SNM declared the Issak homeland in the north, Somaliland, to be independent.[8] The fighting between Aidid and Ali

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[7] Jonathan Stevenson, "Hope Restored in Somalia?" Foreign Policy 91 (Summer 1993): 143.

[8] Somaliland has yet to be recognized by any other state, but it does have a *de facto* independence from the rest of Somalia. The conflict that emerged in Somalia has, by and large, not been felt in Somaliland. Moreover, there is significant state-building occurring, in large measure, due to the re-institution of the traditional clan elder system. For a description of events in Somaliland see Africa Report (May/June 1993): 45-48 and Omaar Rakiya, "Somaliland: One Thorn Bush at a Time" Current History Vol.

Mahdi was so severe it destroyed what was left of Mogadishu's infrastructure: "virtually every building in the central city was ripped apart by artillery shelling; bridges and water lines were blown up; underground utility lines were dug up for the copper wiring they contained."[9]

Although the war between Aidid and Ali Mahdi was the centre of the conflict, there were additional factions in Somalia. General Muhammad Said Hersi Morgan, the son-in-law of Siad Barre, controlled the southwestern city of Bardera, which is situated in the heart of the famine area. Morgan's forces include a substantial remnant of Barre's army. The re-institution of these Barre loyalists, who in October 1992 invaded Somalia from their exile base in Kenya, led to a continuation of the original war between the deposed Barre government and the other Somali factions.[10] Colonel Omar Jess controlled the strategic port of Kismayu in southern Somalia. Finally, General Muhammad Abshir Musa, leader of the Somali Salvation Democratic Front (SSDF) controlled the area in north-eastern Somalia. In addition to these organized movements, there were a variety of irregular forces, as well as "armed thugs" roaming Somalia looting and committing random acts of violence. As will be illustrated, part of UNOSOM's mandate was to provide "law

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93 (May 1994): 232-236. When this chapter refers to Somalia, its description will not include Somaliland.

[9] Clark, "Debacle in Somalia:" 211.

[10] For more information on the Barre loyalists see New African (April 1993): 9-11.

and order" in Somalia, and weaken the control of both the warlords and the irregular forces.

In addition to describing the historical context of Somalia's conflict, some attention must be given to societal characteristics. Somalia, although united by ethnicity and the Islamic religion, is divided along clan lines.[11] There are six major clans: the Darod, Digil, Dir, Hawiye, Issak, and Rahanwein. In addition, these clans are further divided into dozens of sub-clans which have clashed throughout Somalia's history. Anthropologists have used the term "lineage segmentation" to describe Somalia's clan society. In essence, lineage segmentation can be explained by this old Arab Bedouin proverb:

> My brother and I against my half-brother, my brother and I against my father, my father's household against my uncle's household, our two households (my uncle's and mine) against the rest of the immediate kin, the immediate kin against non-immediate members of the clan, my clan against other clans and, finally my nation and I against the world![12]

These divisions were manipulated by Barre, who, despite promises to eliminate the clan system, instead sought to enhance the power of his own Darod clan and Marehan sub-clan. Each of the current contenders for power in Somalia derives their power from their clan ties. For example, Aidid and Ali Mahdi, although belonging to the same clan, the Hawiye, are from separate sub-clans, the Habir Gedir and Abgal respectively. On the other hand, General Morgan, Colonel

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[11] For an excellent survey of Somalia's clan linkages see Ioan M. Lewis, Blood and Bone: The Call of Kinship in Somali Society (Lawrenceville, NJ, 1994).

[12] Africa Report (Sept/Oct 1993): 16.

Jess and General Musa are from the Darod clan, but from different sub-clans.

In sum, the UN became involved in a civil war that was fuelled by clan rivalry. The war had led to the extinguishing of any type of governmental authority. However, what prompted UN involvement was the severe humanitarian crisis inside of Somalia which had manifested itself in mass starvation and a growing refugee problem. The causes of this humanitarian disaster were the twin evils of famine and war. The Security Council and the UN Secretariat came to the realization that to enable relief supplies to reach their proper destinations, a secure environment, free of fighting and looting, must be created. Thus, the UN sent in a peacekeeping operation to provide and protect humanitarian relief supplies.

DEVELOPMENT OF THE PEACEKEEPING OPERATIONS

In exploring the development of the UN's peacekeeping operations in Somalia several aspects will be highlighted. First, the creation and performance of the three multinational operations (UNOSOM I, UNITAF, and UNOSOM II) will be described. Second, there will be a brief assessment of the Addis Ababa Conference. Third, there will be an examination of the unsuccessful war against General Aidid by the United Nations, but more directly by the United States. Finally, this section will close with a description of the withdrawal of UNOSOM II from Somalia.

i) UNOSOM I

The UN, which had ignored the 1988-91 war, became concerned over the high level of violence in Somalia caused by the civil war between Aidid and Ali Mahdi. The UN's first action, in March 1991, was to become involved in conducting humanitarian functions, although the support of UN humanitarian agencies, like UNICEF and the World Food Programme (WFP), paled in comparison to actions of such non-governmental organizations (NGOs) as the International Committee of the Red Cross (ICRC) and the Save the Children Fund. However, the continuing civil war made it difficult to solve the humanitarian crisis, so in December 1991 the outgoing UN Secretary-General Javier Pérez de Cuéllar, after consultations with his successor Boutros Boutros-Ghali, dispatched Under-Secretary-General for Political Affairs James Jonah as his personal envoy to Somalia with orders to obtain a cease-fire between the factions. This was obtained in February 1992, after high-level talks in New York between representatives from all sides of the Somali conflict, the UN, the Organization for African Unity (OAU), and the Arab League. March 3, 1992 saw both Aidid and Ali Mahdi sign a cease-fire agreement.

To assist the enforcement of this agreement, Security Council Resolution 751 established UNOSOM I. UNOSOM I's initial mandate was, through the use of 50 unarmed military observers, to monitor the cease-fire in Mogadishu. It was also agreed, in principle, to deploy 500 armed security personnel to provide protection for the delivery of humanitarian relief supplies.[13] The use of unarmed observers to monitor cease-fires had been a common peacekeeping function (eg, UNMOGIP and UNIIMOG), but the use of armed guards to protect humanitarian shipments was authorized for the first time through UNOSOM I, pre-dating a similar operation in Bosnia by mere weeks.

The observers arrived in early July 1992 and the cease-fire was holding up relatively well, but the humanitarian situation was not improving. This was due, in large part, to the fact that UNOSOM I's security force did not arrive in Mogadishu until September 1992. This delay occurred because the SGSR to Somalia, Mohammed Sahnoun, had to negotiate with the various warlords to obtain their consent for the deployment of armed peacekeepers. Aidid, who was the major warlord in Mogadishu, offered the strongest resistance, and an agreement was not reached until August 12, 1992. This meant that the banditry and looting of food continued unabated. In many cases food supplies were being stolen right off the docks and airstrips. As the Secretary-General reported, the UN "must find a means of responding to the urgent and overwhelming needs of a population growing increasingly desperate in the face of widespread hunger, the absence of national administration, almost complete destruction of basic infrastructure, and acute insecurity."[14] This led to the enlargement of UNOSOM I's size and scope. On August 28, 1992,

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[13] S/Res/751, 24 April 1992.

[14] S/24480, 24 August 1992.

Resolution 775 was unanimously passed, and UNOSOM I was strengthened to 3,500 to be deployed in four zones throughout Somalia, rather than concentrated in Mogadishu as was originally planned.[15]

However, the authorized forces never arrived. By November 1992 only 500 armed UN troops, a single Pakistani battalion, was deployed in Somalia. In addition, UN aid agencies, like the United Nations Children's Fund (UNICEF), were having difficulties providing relief because they were ill-prepared to deal with non-state actors.[16] All of these factors meant that, despite the massive airlifting of aid,[17] "the humanitarian assistance that reaches its intended beneficiaries is often barely more than a trickle."[18] Without that aid, Somalis were dying at a rate of 3,000 a day.[19] It had became obvious that UNOSOM I, as deployed, was incapable of improving the humanitarian situation in Mogadishu. Moreover, the conditions of anarchy in Somalia were leading some

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[15] S/Res/775, 28 August 1992.

[16] "Somalia: Humanitarian aid outgunned" in Life, Death and Aid: 100.

[17] In the period August-December 1992, the US alone sent over 17, 000 tons of food. US State Department Dispatch (Dec 7, 1992): 865.

[18] S/24859, 27 November 1992.

[19] The Situation in Somalia Rev. 1 (March 1993): 5.

NGOs to request the UN to provide armed protection for their humanitarian efforts.[20]

A consequence of UNOSOM I's failure was the resignation of Sahnoun.[21] Sahnoun had lashed out against the UN for its inability to stop the suffering in Somalia. In particular, he criticized UNICEF and WFP for fleeing Somalia in 1991.[22] There was also a major disagreement with Boutros-Ghali over what to do next in Somalia. Boutros-Ghali was pushing for a large military intervention in Somalia as a test case for the use of peace enforcement units that he had outlined in *An Agenda for Peace.* However, Sahnoun argued against such a plan believing that continued negotiations with faction leaders and clan elders for a settlement was the proper course of action.[23] A further factor in the replacement of Sahnoun was the existence of a personality clash between the two men.[24] The end came in October 1992, when Boutros-Ghali sent Sahnoun a chastising message and ordered him to stop criticizing UN agencies. As Sahnoun noted in his memoirs, "this was more than one could tolerate from the UN bureaucracy that had inspired such criticism."[25] As a result, Sahnoun resigned and Ismat Kittani was named as the new SGSR to Somalia.

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[20] Debarati G. Sapir and Hedwig Deconnick, "The Paradox of Humanitarian Assistance and Military Intervention in Somalia" in The United Nations and Civil Wars: 160.

[21] It is still not clear to what extent Sahnoun jumped or was pushed by Boutros-Ghali.

[22] Makinda: 68.

[23] For an elaboration of Sahnoun's arguments see Mohamed Sahnoun, Somalia: The Missed Opportunities (Washington, 1994).

[24] Confidential interview with DPKO official, New York, Nov 10, 1994.

Why was UNOSOM I incapable of achieving its mandate? On November 24, 1992 Boutros-Ghali sent a letter to the Security Council outlining the reasons that UNOSOM I could not perform its mandate. He cited the lack of a government in Somalia, the failure of the various factions to cooperate with UNOSOM I, the extortion, blackmail and robbery to which the international relief effort was subjected, and to repeated attacks on the personnel and equipment of the United Nations and other relief agencies.[26] Boutros-Ghali's assessment meant, as one senior DPKO official responsible for Somalia argued, that due to the chaotic situation that existed in Somalia, "the conflict did not leave the option of a traditional peacekeeping operation."[27] Also contibuting to UNOSOM I's ineffectiveness was the lack of resources. In particular, the inability of member states to supply UNOSOM I with its authorized manpower contributed to its inability to perform its mandate. A new strategy for Somalia would now be attempted.

ii) UNITAF

While UNOSOM I sat impotent in Mogadishu, incapable of aiding the starving Somalis, a convergence of interests was developing in New York and Washington. This convergence between the

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[25] Sahnoun: 40.

[26] S/24859, 27 November 1992.

[27] Confidential interview, New York, Nov 10, 1994.

UN and the US eventually resulted in the creation and deployment of UNITAF. UNITAF was a US-led multinational peace enforcement operation designed to do what UNOSOM I could not; getting the food to those that needed it.

The UN Security Council was facing extreme pressure from NGOs, the media, and international public opinion to take further action in Somalia. Even its own members were pushing for a greater role for the UN. The Security Council itself was castigated in its private chambers by its Zimbabwean President. In a very passionate outburst, he scolded his colleagues asking whether "Africa is worth a couple crumbs of bread?"[28] In July, Boutros-Ghali had made a similar attempt to embarrass the UN Security Council by comparing the resources assembled for "the rich man's war" in Yugoslavia and the neglect that existed for Somalia, calling it a "naked double standard."[29] Boutros-Ghali's initial outburst helped increase the level of international aid shipments that arrived in Somalia, and now it would help the Security Council accept new ideas for solving the crisis.

While these discussions were occurring in the UN, similar deliberations were taking place simultaneously in Washington. Somalia had suddenly become the number one foreign policy problem for the US government. The media, with graphic images of starving Somalis, was mobilizing American public opinion. In addition, US

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[28] This episode was confided to the author during a confidential interview with a DPKO official who was in the room at the time, New York, Nov 10, 1994.

[29] The Globe and Mail (July 29, 1992): A1.

President George Bush, who had been defeated in the November 1992 election, wanted to leave office being seen as the Humanitarian President.[30] In addition, contrary to the situation in Yugoslavia, where the fear of a Balkan quagmire existed, a military operation in Somalia looked to be an easy "in and out" mission. Senior American officers noted three advantages to a military operation in Somalia versus Yugoslavia:

> 1) the geography of Somalia is much more conducive to a military operation;
> 2) The enemy forces are disorganized, untrained and incapable of launching large-scale operations;
> 3) There are no great causes fuelling the conflict and it is characterized by a lack of strategic planning.[31]

These arguments led Secretary of State Eagleburger to go to Boutros-Ghali on November 25 with the message that the US would lead a multinational military humanitarian operation into Somalia.

On November 30, 1992, Boutros-Ghali, with the American offer in his pocket, went to the Security Council with five options to rectify the situation in Somalia.[32] The first option would see the UN continue in its efforts to deploy the strengthened UNOSOM I force, under its existing mandate, as authorized under Resolution 775. The second option would be to withdraw UNOSOM I, and let the humanitarian agencies make whatever deals they could with the factional and clan leaders to protect their relief activities. However, Boutros-Ghali discarded both options, arguing that it would be an inadequate response to the situation.

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[30] Andrew S. Natsios, Bush's special coordinator for Somali relief, has asserted that one of the explanations for the American initiative was because the defeated Republican administration desired "to do a last good thing." Andrew S. Natsios, "Food Through Force: Humanitarian Intervention and U.S. Policy" The Washington Quarterly 17/1 (Winter 1994): 129-144.

[31] Peacekeeping and International Relations (Jan/Feb 1993): 4

[32] S/24868, 30 November 1992.

In discarding the first two options, Boutros-Ghali was arguing that a military operation, as provided for in Chapter VII of the Charter, was the only possible solution to the humanitarian crisis in Somalia. He stated that because "at present no government exists in Somalia that could request and allow such use of force" the Security Council would have to make a determination that a "threat to peace exists" before such an operation could be launched. Thus, the following three options all would utilize Chapter VII provisions of the Charter.

The third option would have UNOSOM I "undertake a show of force" in Mogadishu to discourage attacks upon relief shipments. The Secretary-General warned that choosing this option, which would necessitate a country-wide operation, would raise serious questions over troop size, composition, organization, and command and control. The fourth option would be "a country-wide enforcement operation undertaken by a group of Member States authorized to do so by the Security Council." This represented the offer from the United States, and one that Boutros-Ghali supported. However, a fifth option was also presented. This would be a country-wide peace enforcement operation carried out under UN command and control. This was Boutros-Ghali's favoured option; in fact he had already set out the theoretical case for this in *An Agenda for Peace*.

However, Boutros-Ghali acknowledged that the UN "does not at present have the capability to command and control an enforcement operation of the size and urgency required by the present crisis in Somalia."

The Security Council, as expected, backed Boutros-Ghali's recommendation for the US option and, on December 3, 1992, unanimously passed Resolution 794 establishing UNITAF.[33] The Security Council determined that "the magnitude of the human tragedy caused by the conflict in Somalia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitutes a threat to international peace and security." Thus, UNITAF, acting under Chapter VII, was given the mandate "to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia." UNITAF would eventually occupy only 40% of the country, primarily the southern and central parts, ignoring both the northern region (Somaliland) and all border areas. In addition, the US, not the UN, would exercise command and control of UNITAF. For example, the military head would be General Hoar, the Commander in Chief of US Central Command, while the political head would be US Special Envoy Robert Oakley. They would both report to the President of the United States, not the Secretary-General of the United Nations, although the UN Security Council and Secretariat were given oversight responsibilities over UNITAF. Finally, when UNITAF completed its mission it would withdraw most of its troops, and the rest would merge into a newly-formed UN peacekeeping force, UNOSOM II.

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[33] S/Res/794, 3 December 1992.

UNITAF arrived within a few days, with 24,000 American troops, while 20 other countries would supply an additional 17,000. UNITAF represented the first time that Chapter VII provisions were used to respond to a humanitarian crisis. The day before UNITAF arrived, Boutros-Ghali, in a message to the people of Somalia, stated that UNITAF had come "to feed the starving, protect the defenceless and prepare the way for political economic and social reconstruction."[34]

In accepting the request of the UN, US President George Bush, in a letter to Boutros-Ghali, promised

> that the mission of the coalition is limited and specific: to create security conditions which will permit the feeding of the starving Somali people and allow the transfer of this security function to the UN peacekeeping force...[US] objectives can, and should, be met in the near term. As soon as they are, the coalition force will depart from Somalia, transferring its security function to your UN peacekeeping force.[35]

In an address to the American people on Dec 4, 1992 President Bush explained why UNITAF, which he dubbed "Operation Restore Hope," had been launched. "Only the United States has the global reach to place a large security force on the ground in such a distant place quickly and efficiently and thus save thousands from death."[36] In fact, it can be speculated that this is why the UN authorized UNITAF. The UN was already strained with over 80,000 peacekeepers in the field, primarily in Cambodia and the former Yugoslavia. The traditional volunteering states, Canada, India, the Scandinavian countries, did not have available troops to mount a third significant operation. The fact that the 4,000 troops authorized for UNOSOM I had yet to be obtained is evidence of this shortage in peacekeepers. Thus, the United States, which did not already have peacekeeping forces deployed, was the only option.

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[34] UN Chronicle (March 1993): 13.

[35] Quoted in John R. Bolton, "Wrong Turn in Somalia" Foreign Affairs 73/1 (Jan/Feb 1994): 60.

Within days of UNITAF's deployment in Somalia a major disagreement emerged between the UN and the US over the definition of a secure environment. The problem was that Resolution 794 did not specifically mandate UNITAF to disarm the Somalis, only to "establish... a secure environment for humanitarian relief operations in Somalia." However, Boutros-Ghali, in outlining the UNITAF option in his letter to the Security Council, had explicitly stated that UNITAF would stay until "the irregular groups had been disarmed and the heavy weapons of the organized factions brought under international control."[37] Further evidence that the UN could reasonably have expected UNITAF to disarm the Somalis occurred during the deliberations in the chambers of the Security Council. According to a DPKO official, this disarmament policy was explained to US officials, and the other members of the Security Council by the Secretariat, and was never challenged.[38] For these reasons, on December 8, 1992, Boutros-Ghali was compelled to remind Washington that he expected UNITAF to: disarm the Somali factions, neutralize and bring under international control all heavy weapons, defuse mines, set up a civil administration, and begin training civilian police.[39]

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[36] US State Department, Dispatch (Dec 7, 1992): 865.

[37] S/24868, 30 November 1992.

Nevertheless, the US government disputed the UN's interpretation of a secure environment. John Bolton, Assistant Secretary of State for International Organizations in the Bush administration, noted that "while the US had contemplated some disarming to protect its troops, the secretary-general clearly had far more ambitious plans."[40] Adding to the confusion, US officials had told the Security Council privately that they planned to seize heavy weapons, but would not commit to confiscating all the small arms that existed in Somala.[41] With respect to UNITAF's mandate, a US State Department official remarked that, "in authorizing member states, the UN can say `you can't do x,' but it can't say `you must do y.'"[42] Therefore UNITAF did not try to disarm the Somalis.

Why was disarmament such a divisive issue? The UN argued that the humanitarian crisis was being caused not only by drought, but by civil war. In addition, as a DPKO official stated, "if you don't disarm these people, they're going to fight each other" and sooner or later "they would use them against us."[43] Finally, the UN also wanted to ensure that when UNOSOM II arrived in Somalia they would not be facing a country still overflowing with arms. UNITAF possessed the military strength to do the job, and this is why, according to the UN, it was mandated to do it. If disarmament was successfully completed, UNOSOM II would not have to be a large force.

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[38] Confidential interview, New York, Nov 10, 1994.

[39] S/24992, 19 December 1992.

[40] Bolton: 60-61.

[41] Africa Report (Jan/Feb 1993): 6.

[42] Confidential interview, New York, Nov 14, 1994.

Nevertheless, the US objected to disarmament for several reasons. First, the American military did not consider disarmament to be a necessary condition for the creation of a secure environment.[44] Second, disarmament would take time and cause casualties, a cost the Americans were not prepared to pay. Right from the beginning, during President Bush's address to the American people announcing UNITAF, it was emphasized that the US "would not stay 1 day longer than is absolutely necessary" and that the military command would take "whatever military action is necessary to safeguard the lives of our troops."[45] Third, the US believed that disarmament could not be done by force, particularly if it was attempted by an outside force.[46]

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[43] Confidential interview, New York, Nov 8, 1994.

[44] S/24976, 17 December 1992.

[45] US State Department, Dispatch (December 7, 1992): 865.

[46] Confidential interview with US State Department official, New York, Nov 14, 1994.

The US really had no interest in attempting to disarm the Somalis; it simply wanted a show of force, which they felt, correctly as it turned out, would create a secure environment for the delivery of humanitarian aid. However, this would not constitute a long-term secure environment. In fact, DPKO officials have argued that the ambush of Pakistani members of UNOSOM II in June 1993 was a "direct consequence" of UNITAF's failure to disarm the Somalis.[47] In addition, since this attack resulted in the return of US soldiers to Somalia, and the subsequent loss of American lives, it can be argued that the major rationale for the US policy of non-disarmament, preventing casualties, backfired.

The view is starting to emerge among senior American officials that UNITAF made a monumental error in not disarming the Somalis. For example, Walter Clarke, who was Deputy Chief of Mission at the US Embassy in Somalia, noted that "U.S. troops had more power than anyone and therefore the greatest capability to disarm the belligerent forces...the failure to disarm the warlords was a tragic mistake because a concentrated effort to remove and destroy the Somalis' heavy arms was possible and would have sent an early and strong message that the United States and the United Nations were serious about restoring order."[48] Meanwhile, retired Admiral Jonathan Howe, who was SGSR for Somalia during UNOSOM II's tenure, has admitted that, "in retrospect, the arrival of a major

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[47] Confidential interview, New York, Nov 10, 1994.

[48] Walter Clarke and Jeffrey Herbst, "Somalia and the Future of Humanitarian Intervention" Foreign Affairs 75/2 (March/April 1996): 75.

U.S. force may have provided the optimum psychological moment for laying the foundations for voluntary disarmament, but this opportunity was lost."[49]

UNITAF was a short-term transitional operation between UNOSOM I and UNOSOM II. After arriving in early December 1992, UNITAF started its withdrawal preparations two months later. The phased withdrawal allowed for the creation of UNOSOM II in March 1993, and by May 1993, UNITAF's mission was complete. Although a more detailed assessment of UNITAF's effectiveness will be conducted later in this chapter, it can now be said that UNITAF left Somalia claiming its operation was a success, and it was, at least in the short term. Somalis were eating again, the level of violence had been drastically reduced, and the faction leaders were engaged in national reconciliation talks. Nevertheless, UNOSOM II would be needed to finish, if possible, the job that UNITAF had started.

iii) UNOSOM II

On March 3, 1993, Boutros-Ghali submitted a report to the Security Council which proposed a "prompt, smooth, and phased" transition from UNITAF to UNOSOM II. He emphasized that "without improved security all over the country the political process cannot prosper and humanitarian operations will remain vulnerable to disruption."[50]

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[49] Jonathan T. Howe, "Somalia: Learning the Right Lessons" The Washington Quarterly 18/3 (Summer 1995): 51.

Security Council Resolution 814 established UNOSOM II at a cost of over $1.5 billion a year. With over 30,000 troops and civilians UNOSOM II was the largest peacekeeping force in history. Moreover, it was the first peacekeeping operation that was granted use of force powers under the provisions of Chapter VII. This meant that UNOSOM II's deployment "would not be subject to the agreement of any local faction leaders."[51] Thus, the traditional principle of consent was violated in this operation. UNOSOM II was mandated to:

> a) monitor the cease-fire that was specified in the Addis Ababa agreements of January 1993;
> b) prevent any resumption of violence and take appropriate action against any faction that violates or threatens to violate the cease-fire;
> c) maintain control of the heavy weapons of the organized factions which will have been brought under international control pending their eventual destruction or transfer to a newly constituted national army;
> d) seize the small arms of all unauthorized armed elements and assist in the registration and security of such arms;
> e) secure or maintain security at all ports, airports and lines of communications required for the delivery of humanitarian assistance;
> f) protect the personnel, installations and equipment of the UN and NGOs, and to take such forceful action as may be required to neutralize armed elements that attack, or threaten to attack, such facilities and personnel, pending the establishment of a new Somali police force;
> g) mine-clearing;
> h) repatriating refugees; and

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[50] S/25354, 3 March 1993.

[51] S/25354, 3 March 1993.

i) any other function that the Security Council authorizes.[52]

This mandate was substantially different from the ones given to UNOSOM I and UNITAF. While UNOSOM I was only to monitor the cease-fire, using unarmed observers, UNOSOM II was to "take any appropriate action" against violators. Since UNOSOM II was established under Chapter VII this would include the use of force to maintain the cease-fire. In contrast to UNOSOM I and UNITAF, UNOSOM II's security functions were sketched out in detail. In particular, the disarmament tasks, which had caused so much disagreement between the UN and the US, were clearly spelled out in UNOSOM II's mandate.

UNOSOM II, which would become operational on May 1, 1993, would be conducted in four phases. The first phase would be the transition from UNITAF to UNOSOM II. In Phase II, UNOSOM II would consolidate operational control throughout Somalia. Phase III would see the reduction in UNOSOM II's military responsibilities, and a transfer to civil authorities. It would conclude when a Somali national police force became operational. The final phase would see the reduction, and eventual withdrawal, of UNOSOM II forces.[53]

Although the UN was in command of UNOSOM II, the Americans still played a prominent role in Somalia. For instance, retired US Admiral Jonathan Howe was appointed as the new SGSR to Somalia. The US continued to have its own special envoy, Robert

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[52] S/Res/814, 26 March 1993 and S/25354, 3 March 1993.

[53] S/25354, 3 March 1993.

Oakley, in Somalia to mediate political talks. Although the UNOSOM II Commander was General Cevik Bir of Turkey, his deputy was US Major General Thomas Montgomery. To many in Somalia, Bir was a figurehead, and Montgomery was the true commander of UNOSOM II.[54] Montgomery was also the tactical commander of the US Quick Reaction Force (QRF), a unit of over 1,000 soldiers equipped with the high-powered Cobra helicopters. This unit, which would be used to support UNOSOM II activities, was under US command and control. The QRF would only be deployed at the request of the UNOSOM II commander, but the QRF commander retained a veto right. Also under US command and control were the Rangers, who were dispatched to Somalia in support of Resolution 837. Unlike the QRF, the Rangers did not have to wait for a UNOSOM II request to take action, but only had to provide it with notification and this was frequently given with short notice.[55] The dual command and control mechanism that existed in Somalia would become very problematic.

iv) ADDIS ABABA CONFERENCE

While UNITAF was attempting to establish military control, the UN was working behind the scenes at reaching a political settlement to the conflict. In the first two weeks of January 1993, a meeting of 14 Somali factions and various regional bodies was held at Addis Ababa under UN auspices. This meeting helped determine the agenda and parameters for a larger conference on national reconciliation also held in Addis Ababa on March 15, 1993. This conference was supposed to have been convened several times earlier but there were disputes between the factions over cease-fire violations, and this led to several cancellations.

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[54] Africa Confidential (July 30, 1993): 1.

[55] S/1994/653, 1 June 1994.

On March 27, 1993 an Agreement of the First Session of the Conference of National Reconciliation in Somalia was signed by all of the Somali parties. This agreement was comprised of four parts: disarmament and security; rehabilitation and reconstruction; restoration of property and settlement of disputes; and transitional mechanisms. Regarding the last part, the factions agreed to a two year transitional period, with four organs of authority to govern during this period.[56]

The most important of these transitional instruments was the Transitional National Council (TNC) which was intended to play the same role that the Supreme National Council did in Cambodia. It would act as the repository of Somali sovereignty and serve as the prime political authority having legislative functions during the transitional period. The TNC would consist of 74 members: 3 (two men, one woman) from each of the 18 regions of the country, one from each of the 15 Somali factions, and five from Mogadishu.[57]

However, there were some serious problems with the TNC and the cease-fire provisions of the agreements. On the political side, such important details as TNC membership, geographical boundaries, and Somaliland, were left incomplete. On the military side, the Somali factions insisted that the disarmament procedures had to be done simultaneously.[58] These difficulties would eventually render the Addis Ababa agreements a dead letter.

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[56] United Nations, The Situation in Somalia Rev. 2 (March 1994): 11-12.

[57] The Situation in Somalia Rev. 2 (March 1994): 11-12.

v) THE WAR AGAINST AIDID

The relative calm that had existed in Somalia since the arrival of UNITAF in December 1992 was soon shattered. On June 5, 1993, 25 Pakistani soldiers were killed and another 57 wounded in an attack on UNOSOM II forces, who were conducting weapons inspections, by USC/SNA troops under the command of General Aidid.[59] The Security Council characterized the attack as "part of a calculated and premeditated series of cease-fire viclations to prevent by intimidation UNOSOM II from carrying out its mandate."[60] Therefore, through Resolution 837, which was passed the day after the attack, the Security Council authorized UNOSOM II "to take all necessary measures against all those responsible for the armed attacks ...including securing the investigation of their actions and their arrest and detention for prosecution, trial and punishment." In addition, member states were requested to contribute emergency forces to assist UNOSOM II in its implementation of the Resolution.[61] The US government quickly dispatched the US Rangers for this purpose, although they would remain under US, not UN, command and control. Thus, the UN-authorized war against General Aidid had been initiated.

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[58] Stevenson: 141-142.

[59] The UN launched two independent investigation of attacks on UNOSOM II personnel, and, in particular, the June 5 incident. See S/26351, 24 August 1993 and S/1994/653, 1 June 1994.

[60] S/Res/837, 6 June 1993.

In retaliation for the June 5 attack, UNOSOM II launched a series of attacks during the week of June 11-17 against the USC/SNA. They gained control of USC/SNA-held Radio Mogadishu, destroyed weapon storage sites, and attempted to arrest Aidid. The campaign against Aidid was heightened on June 17, when a warrant was issued for his arrest and a $25,000 reward for his capture was offered. Clashes between UNOSOM II and USC/SNA forces continued unabated all month. The pretext was to continue its disarmament programme against the USC/SNA, but it also appears that the objective of arresting Aidid was number one in the minds of many. This violated the principle of neutrality, and led to charges that the UN was favouring Ali Mahdi's side by pursuing its disarmament campaign almost solely against Aidid's forces. The fighting resulted in slight casualties for UNOSOM II, but considerably heavier losses for the Somalis.[62] Many Somali civilians were killed, due, in part, to Aidid's forces utilizing the classic guerrilla tactic "of using women and children as human shields to perpetrate their attacks."[63]

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[61] Ibid.

[62] On the UNOSOM II side, there were 29 killed, and 88 injured during the month of June. S/26022, 1 July 1993. Somali figures, either members of the USC/SNA or civilians, are not available, but estimates put them at a much higher level than UNOSOM II.

UNOSOM II's war against Aidid continued throughout the summer and it faced substantial criticism for its increased militarization of a humanitarian mission. To many, "Operation Restore Hope" had become "Operation Bring Death." Food was rotting at the depots because UNOSOM II troops, instead of protecting relief convoys, were busy searching for Aidid. NGOs complained that "military objectives were taking priority over humanitarian ones and aid workers were operating virtually without protection."[64] According to former SGSR Sahnoun, "the operation which was supposed only to protect humanitarian assistance has changed gradually and has become a heavy military presence. The problem is that now the UN operation is perceived by the Somalis as an occupation."[65] In response to these accusations, Boutros-Ghali reiterated that,

> the international community has known from the beginning that effective disarmament of all the factions and the warlords is *conditio sine qua non* for other aspects of UNOSOM's mandate, be they political, civil, humanitarian, rehabilitation or reconstruction. Unless disarmament is fully implemented, it would not be reasonable to expect UNOSOM to fulfil other aspects of its mandate.[66]

Thus, the war against Aidid would continue.

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[63] United Nations Security Council, Press Release (June 18, 1993).

[64] The Globe and Mail (July 12, 1993): A1.

[65] Maclean's (July 26, 1993): 20.

[66] S/26317, 17 August 1993.

The war took a turn for the worse on October 3, 1993. On that day the US Rangers launched a raid into the heart of the USC/SNA's defences in south Mogadishu in an attempt to arrest Aidid and other senior USC/SNA officials. In the course of the operation two Black Hawk helicopters were shot down, and in the process of rescuing their fallen comrades, the US Rangers were involved in a fierce fire-fight in the streets of south Mogadishu. When the dust settled, over 18 US soldiers lost their lives, and another 75 were injured. Somali deaths were considerably higher, with the ICRC estimating 300 dead, and another 700 injured.[67]

The ramifications of this incident were tremendous. The US media gave widespread coverage to this battle. In particular, the pictures of Somali civilians dragging dead American soldiers, who had been mutilated, through the streets of Mogadishu was shown on front pages and lead newscasts. This had a great impact on US public opinion regarding US involvement in Somalia. President Clinton, reacting to pressure from US Congressional members, and believing that public opinion favoured a withdrawal of US forces, decided to reinforce the Rangers with heavier armament and an additional 5,000 troops, and, at the same time, announced the withdrawal of all American forces by March 31, 1994.[68] Polls would show that the Oct 5 attack had, indeed, shifted American public opinion towards the Somali mission. A Program on International Policy Attitudes (PIPA) poll taken October 15-18, found that 43% of respondents agreed with the six month timetable of withdrawal, 28% wanted an immediate withdrawal, and only 27% wanted US troops to remain in Somalia until the situation was stabilized.[69] The decision of the US government, which was the most potent single national contingent, to withdraw their forces from Somalia, influenced other countries to withdraw their contingents as well. When the USC/SNA announced a unilateral cessation of hostilities against UNOSOM II forces on October 9, 1993, it was accepted. The war against Aidid was now over.

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[67] Africa Report (Nov/Dec 1993): 42.

[68] US State Department, Dispatch (Oct 18, 1993): 713-714.

What was the result of the war against Aidid? First, political negotiations resumed with Aidid and his USC/SNA. This put the UN in the awkward position of explaining the transformation of Aidid from vicious war criminal to respected Somali leader. Second, UNOSOM II developed a siege mentality. For example, after July 6, 1993, UNOSOM II restricted its movements in Mogadishu, relying on the US QRF and the Rangers to implement the Security Council resolutions.[70] UNOSOM II would remain bunkered down until it withdrew completely in March 1995. Third, it illustrated US dominance over the UN operation. This increased the conflicts with the other contributing states, in particular the Italians, over strategy in Somalia.[71] Third, the UN lost its neutrality in the Somali conflict by taking sides. Targeting Aidid made the UN look like it was favouring the other factions, in particular Ali Mahdi and Barre-loyalist General Morgan. UNOSOM II was mandated to disarm all the factions, but by concentrating on the capture of Aidid, the other factions were better able to hold on to their own weapons. Fourth, the war illustrated that the USC/SNA was not "a rag-tag army backed by civilians. It has at its disposal heavy firepower such as recoilless rifles, mortar launchers, machine guns, and RPGs. And despite being a `militia,' some of Aidid's men are clearly highly trained, crack shots."[72] Finally, in its capitulation to Aidid, the UN/US lost a large amount of credibility with the Somali people. It turned Aidid into a folk hero to the Somalis, as the man who stood up to the international community and the world's most powerful nation. In sum, the UN/US defeat in the war against Aidid spelled its defeat in its efforts to stop the human suffering by resolving Somalia's internal conflict.

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[69] All polling data comes from Steven Kull, "Misreading the Public Mood" The Bulletin of the Atomic Scientists (March/April 1995): 58. In his article, Kull argues that American fatalities were only partially responsible, and that there were two more significant factors --- a belief that the Somalis did not want the Americans there, and that the initial purpose of the operation (providing food) had been completed --- which were responsible for these polling numbers. Although Kull may be correct in his assessment, it is also possible that the American fatalities triggered and greatly reinforced latent beliefs that there was no longer a need for US activity in Somalia.

[70] S/1994/653, 1 June 1994.

vi) THE WITHDRAWAL

With the failure in its war with Aidid, the UN needed to alter its course. The US was pulling its forces out by March 1994, and Belgium, France, and Sweden had also announced their decision to withdraw their contingents from UNOSOM II. Therefore, in a report to the Security Council on November 12, 1993, the Secretary-General put forward three options for a renewed mandate for UNOSOM II, ignoring the complete withdrawal option. The first option would leave UNOSOM II essentially unchanged. UNOSOM II would not initiate coercive disarmament procedures, but as before, would retain that as an option. In order to pursue this option, the member states would have to make up both the shortfall in troops, as well as fulfil their financial obligations, which at the time totalled over $1 billion in money owed. The second option would relieve UNOSOM II of its coercive capability and it would rely upon the cooperation of the Somali factions to perform its mandate. Under this option, UNOSOM II would restrict its use of force to self-defence. This option would not require replacing the departing forces, as UNOSOM II could manage with a team of 16,000 troops. The final option would restrict UNOSOM II's presence to securing airports and ports in Mogadishu and other strategic areas of Somalia. Deciding on this option would mean that UNOSOM II could be reduced to about 5,000 troops. At the time, Boutros-Ghali did not favour any of the three options and he gave the Security Council time to make a careful decision on which direction it wanted to pursue in Somalia.[73]

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[71] See Claudia Baroni, "The Italian Participation in UNITAF and UNOSOM II" Peacekeeping and International Relations (July/August 1993): 3-4 and Claudia Baroni, "New Perspectives on UNOSOM II and the Italian Attitude" Peacekeeping and International Relations (Jan/Feb 1994): 4-5.

[72] Africa Report (Nov/Dec 1993): 43.

Later on, the Secretary-General stated that he would consider "UNOSOM II's mandate as being completed only when the Addis Ababa agreement of March 1993 is fully implemented, culminating in the holding of general elections and the installation of a properly elected Government." He also added that, despite the best efforts of his office, additional troops for Somalia could not be obtained. Therefore, the first option would have to be discarded. In its place, he recommended the second option. In doing so, he cautioned that its success relied upon "the cooperation of the Somali parties." If UNOSOM II should fail the result could be "renewed fighting and civil war in Somalia."[74]

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[73] S/26738, 12 November 1993.

On February 4, 1994, the Security Council passed resolution 897 changing UNOSOM II's mandate to:

> a) implement the Addis Ababa Agreements, in particular the cease-fire and disarmament provisions;
> b) protect major ports, airports, essential infrastructure, and safeguard the lines of communication which are vital to humanitarian relief;
> c) provide humanitarian relief;
> d) assist in the reorganization of the Somali police and judicial system;
> e) help with the repatriation of refugees;
> f) assist with the ongoing political process, which should culminate in the installation of a democratically elected government; and
> g) protect the personnel, installations and equipment of the UN and NGOs.[75]

Although UNOSOM II's mandate had changed to a less coercive one, it was still acting under Chapter VII.

Was the change in UNOSOM II's mandate effective? On the political side, a new Somali agreement was signed at Nairobi on March 24, 1994. The Nairobi declaration was signed by Ali Mahdi, representing the Group of 12 (an association of 12 Somali parties opposing Aidid) and Aidid's USC/SNA. This declaration replaced the year old Addis Ababa agreement which was stillborn. A major part of the Nairobi declaration was the plan to convene a national reconciliation conference, which would include all Somali parties as well as those from secessionist Somaliland. However, delays caused by inter-clan fighting led to continual postponements and the eventual cancellation of the conference.

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[74] S/1994/12, 6 January 1994.

[75] S/Res/897, 4 February 1994.

On the security side, the situation continued to deteriorate. By May 1994, the UN Secretariat reported that Somali factions were "rearming and are again constructing "technical" combat vehicles in anticipation of renewed fighting."[76] UNOSOM II was following a policy of non-confrontation with its forces "off the streets and hunkered down behind sandbags and barbed wire from which they rarely emerge."[77] Nevertheless, despite these difficulties the Secretary-General, in May 1994, argued that removing UNOSOM II from Somalia would result in "the risk of the country sliding back into the abyss from which it was barely rescued less than two years ago."[78]

The situation continued to worsen in Somalia. The voluntary disarmament campaign was ineffective. As one UN officer put it, "there is some voluntary disarmament here, but the Somalis usually give it to us bullets first."[79] In a report to the Security

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[76] S/1994/614, 24 May 1994.

[77] Africa Report (May/June 1994): 20.

[78] S/1994/614, 24 May 1994.

[79] New African (July/August 1994): 28.

Council in July 1994, Boutros-Ghali noted that inter-clan fighting had increased, and, as a result, few humanitarian activities had occurred since May. He then suggested that UNOSOM II reduce its troop level, and pull out of Mogadishu, since it was not making a positive contribution to the security situation.[80] However, a special mission sent from New York to Mogadishu recommended only a minor force reduction, arguing that removing troops too quickly would destabilize even more the conditions in Somalia.[81]

The Security Council continued to be optimistic, despite the odds, for a Somali national reconciliation, so it extended UNOSOM II's mandate to March 1995.[82] UNOSOM II started to make preparations for its withdrawal in October 1994.[83] Finally, in February 1995, UNOSOM II began withdrawing from Somalia. Despite fears of a bloodbath, UNOSOM II, with the assistance of United States-led Combined Task Force, was able to disengage itself from Somalia with few casualties. However, there were deaths among Somalis during the final stages of withdrawal as the USC/SNA assumed looting rights at the former UNOSOM II headquarters. The postscript on the UN's efforts in Somalia comes from a US soldier who had landed on the beaches of Mogadishu, with much optimism, in December 1992 with UNITAF, and then assisted with UNOSOM II's withdrawal in disgrace two and a half years later: "It's sad we're going to leave the country like this. It's no better off than when we showed up."[84]

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[80] S/1994/839, 18 July 1994.

[81] S/1994/977, 17 August 1994.

[82] S/Res/953, 31 October 1994.

[83] S/1994/1166, 14 October 1994.

ASSESSING THE OPERATIONS' EFFECTIVENESS

In assessing the effectiveness of the United Nations peacekeeping operations in Somalia, one must separate UNOSOM I, UNITAF, and UNOSOM II. This is because each operation had different mandates, resources, and command structures. Thus, each operation will have its own level of effectiveness determined independently using the indicators of mandate performance, facilitating conflict resolution, conflict containment, and limiting casualties caused by the conflict.

i) UNOSOM I

UNOSOM I was ineffectual in terms of all four indicators. Regarding its mandate, UNOSOM I was totally ineffective in providing security for the humanitarian convoys. This was primarily due to having only 500 troops deployed. As the UNITAF commander remarked: "Here we are with 6,000 troops in the city, and we have Chinese journalists being shot in the legs. We've got snipers here and there. So somebody give me the wisdom --- how could I have done it with 500 troops?"[85] However, even with a full contingent of 3,500 it was doubtful whether UNOSOM I could have alleviated Somalia's humanitarian crisis. Second, UNOSOM I had no impact on resolving the conflict in Somalia. Third, UNOSOM I was unable to prevent the massive movement of Somali refugees throughout the Horn of Africa. By January 1993, there were over 400,000 Somali refugees in Kenya alone.[86] These refugee flows were the justification for the Security Council to call the conflict a "threat to international peace and security," allowing it to grant UNITAF Chapter VII powers. Thus, UNOSOM I was unable to prevent a larger intervention. Fourth, UNOSOM I was ineffective in limiting casualties caused by the conflict. It sat impotent in barracks in Mogadishu as factional fighting and the theft of relief supplies continued. In sum, UNOSOM I was a small, ineffective force, with an inadequate mandate, and its failure paved the way for the creation of UNITAF.

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[84] The Globe and Mail (Feb 27, 1995): A2.

[85] Quoted in Clark, "Debacle in Somalia:" 222.

ii) UNITAF

The second operation in Somalia, UNITAF, was moderately effective in completing its mandate in Somalia. Without UNITAF's intervention in December 1992, it is likely that millions would have died in Somalia due to malnutrition and disease. For instance, as a direct consequence of UNITAF, the death rate in the famine-stricken Baidoa camps was reduced from 200 per day to 10.[87] While the children's death rate dropped from 50 to 15 per 10,000 a day because food shipments were now getting through.[88] In addition, the

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[86] Makinda: 48-49.

[87] Clark, "Debacle in Somalia:" 206.

[88] US State Department, Dispatch (Feb 22, 1993): 99.

WFP stated that in 1992 it had transported more than 103,000 metic tons of food to Somalia, but in the first three months of 1993 the number was 113,000.[89] This was despite the fact that the amount of WFP food aid unloaded at the Mogadishu port fell dramatically following UNITAF's deployment.[90] A higher percentage of food aid was now getting through to the intended recipients. These successes occurred because UNITAF was able to secure Mogadishu's airport and seaport, and humanitarian routes throughout southern and central Somalia. The attacks on humanitarian convoys had effectively ended.

Some NGOs in Somalia have disputed the claims of humanitarian success made by UNITAF. Médecins sans Frontières argued that the humanitarian situation in Somalia improved, not solely because of UNITAF's arrival, but because "the famine had reached a peak in the summer of 1992 and the most vulnerable had already died."[91] In addition, the ICRC says that it delivered more food, without military escorts, than UNITAF's military convoys did.[92] However, it is possible that the mere presence of UNITAF in Somalia aided all humanitarian efforts, not just the deliveries that they were directly protecting. Moreover, UNITAF's mandate was to work with the humanitarian groups to deliver aid; it did not matter to them which groups delivered it. On balance, the evidence suggests that UNITAF succeeded in providing humanitarian relief to Somalia.

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[89] UN Chronicle (September 1993): 7. For a contrary opinion see Africa Report (March/April 1993): 20-23.

[90] Sapir and Deconnick: Figure 9.5, page 161.

[91] "Humanitarian aid outgunned:" 104.

[92] Africa Report (March/April 1993): 20-23.

However, in a more important respect, UNITAF failed to establish a *long-term* secure environment for humanitarian relief operations. This is because UNITAF did not try to disarm the Somalis. The UNITAF Commander was correct in reporting that "all areas are stable or relatively stable," although periodic sniper fire was occurring.[93] But this was not a result of the Somali factions lacking the firepower to engage UNITAF but because they elected to wait out the Americans. In fact, when the first US Marines landed on the beaches of Somalia the only opposition they faced was an army of reporters and cameras. As *New African* noted, "the warlords were intimidated by the sheer display of military power and the flow of aid was resumed, but there was no long term strategy."[94] In describing UNITAF's efforts, Boutros-Ghali wrote that it "is far from complete and in any case had not attempted to address the situation throughout all of Somalia." UNITAF covered only 40% of Somalia's territory and it was necessary to cover the entire country. Thus, UNITAF's performance could not "yet be regarded as irreversible."[95] In fact, the problems that UNOSOM II later encountered, the reversal of the humanitarian situation, the broken cease-fire, and the war with Aidid, were all a direct consequence of UNITAF's inability to create a long-term secure environment. In sum, despite UNITAF's ability to provide short-term humanitarian relief, it did not adequately complete its mandate.

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[93] S/25354, 3 March 1993.

[94] New African (Sept 1993): 15.

[95] S/25354, 3 March 1993.

UNITAF was ineffectual in its attempts at conflict resolution. Its presence did assist the signing of the Addis Ababa Agreements in January 1993. However, its implementation would come under UNOSOM II's jurisdiction. Moreover, the Addis Ababa Agreement, and other attempts at national reconciliation, all failed.

UNITAF was moderately effective at containing the conflict in Somalia. UNITAF's deployment did halt the exodus of Somali refugees, thus alleviating the stress on the rest of the Horn of Africa.[96] However, General Morgan's pro-Barre forces were not prevented from launching raids from their bases in Kenya in March 1993.[97] UNITAF's absence from the Kenyan-Somali border was a critical factor in this attack. Nevertheless, the fighting in Somalia did not spread beyond its borders.

UNITAF was also moderately effective at limiting casualties caused by the conflict. It did make "an important contribution in the international effort to stop the lawlessness"[98] and a general cease-fire was reached in the Addis Ababa Agreement. Nevertheless, General Morgan was still able to drive Colonel Jess' men, allies of Aidid, out of the port city of Kismayo, despite the presence of the Belgian contingent of UNITAF in the city. This was a serious breach of the cease-fire, and led to charges of bias from the USC/SNA. The fact that the USC/SNA did not distinguish between UNITAF and UNOSOM II contributed to the eventual war between the UN and Aidid.[99]

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[96] Ibid.

[97] See New African (April 1993): 9-11.

[98] S/25354, 3 March 1993.

In sum, UNITAF must be seen as an ineffective operation. This is because its successes, securing the delivery of humanitarian supplies, and limiting theft and looting, were short-lived. Once UNITAF pulled out, the situation in Somalia regressed. Although much of this regression can be blamed on UNOSOM II, the fact that a long-term secure environment was not established by UNITAF was also a major factor.

iii) **UNOSOM II**

The third operation in Somalia was UNOSOM II. It too was unable to perform its mandate which was "to establish throughout Somalia a secure environment for humanitarian assistance."[100] To accomplish this UNOSOM II was granted Chapter VII powers to enforce the cease-fire and disarm the Somalis. The forcible disarmament programme, for both the warlords and the irregulars, was the crucial component of the security mandate. As was explained earlier, the UN had wanted UNITAF to disarm the Somalis, but UNITAF had refused. Therefore, when UNOSOM II was deployed, disarmament was made the number one priority. Moreover, UNOSOM II decided "that its very first inspection would if necessary be carried out by military force" notifying the USC/SNA of this intent through an ultimatum.[101] This effort ended in disaster with dead American and Pakistani soldiers, and many more dead Somalis. The resulting war with Aidid, which ended in defeat for the UN/US, was symbolic of their combined impotence at making Somalia more secure.

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[99] S/1994/653. 1 June 1994.

[100] S/Res/814, 26 March 1993.

UNOSOM II eventually tried a return to voluntary disarmament, but that did not work either. This should have been predicted. Voluntary disarmament requires that the warring parties place trust in the neutrality of the procedure, but the war with Aidid destroyed the UN's objectivity. The UN/US pursuit of Aidid, at the expense of the other factions, stiffened resistance from the USC/SNA. In addition, the killing of Somali civilians sapped the UN's legitimacy among the rest of Somali society. This meant that no Somali would voluntarily give up his weapons, and would, in fact, resist all attempts by UNOSOM II to take them from him.

UNOSOM II's failure to perform its mandate led to a reversal of the humanitarian situation in Somalia. UNOSOM II forces were diverted from protecting humanitarian convoys in its war with Aidid. In addition, NGOs had "to curtail their activities because of increasing insecurity and a growing confusion between the military and the humanitarian roles."[102] The result, as Boutros-Ghali noted in January 1994, were "malnutrition levels" rising "in parts of Somalia, including Mogadishu and the Juba valley, two areas of ongoing conflict and insecurity."[103] In February 1994, there was an outbreak of cholera that in four months had infected over 12,000 and led to almost 500 fatalities.[104] Finally, it is likely that the humanitarian situation in Somalia worsened as a result of the withdrawal of UNOSOM II and most of the aid agencies.

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[101] S/1994/653, 1 June 1994.

[102] "Humanitarian aid outgunned:" 106.

The second indicator of operational effectiveness is facilitating conflict resolution. It is obvious that UNOSOM II failed to broker a lasting peace agreement between the Somali parties. The Addis Ababa Agreement and the Nairobi Declaration were never implemented. The principal blame for the lack of national reconciliation in Somalia lies, of course, with the Somalis themselves. Nevertheless, the UN was not as effective as it could have been. This is because the UN lost its principal contribution to conflict resolution: its neutrality. By taking an overt stand against one of the factions, as occurred during the war with Aidid, the UN lost its reputation as a disinterested party. As a senior UNOSOM II official understated, "we lost our impartiality."[105] A major part of neutrality is transparency, but this was also lost due to the requirements of war-making. For example, UNOSOM II's "civil authorities were often kept in the dark about military actions."[106] This ended all semblance of UNOSOM II's credibility in conflict resolution.

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[103] S/1994/12, 6 January 1994.

[104] S/1994/614, 24 May 1994.

[105] Edmonton Journal (August 7, 1994): A7.

[106] S/1994/653, 1 June 1994.

UNOSOM II was moderately effective at containing the conflict in Somalia. With UNITAF's arrival, the flood of refugees from Somalia ended, but two years later only 120,000 refugees had been repatriated.[107] In addition, with the withdrawal of UNOSOM II and without a political settlement, the potential for a renewed civil war leading to additional refugees exists. Finally, the fact that Somalia remains close to anarchy also constitutes a risk that its violence may spread to its neighbours.

UNOSOM II was also unable to limit casualties caused by the conflict. Despite UNOSOM II's mandate of disarmament it became "evident that militias ha[d] been rearming and replenishing their weapons supplies." In addition, the security situation deteriorated further due to a "resumption of inter-clan fighting and to a further increase in banditry."[108] In fact, UNOSOM II, rather than limiting casualties actually *escalated* the level of armed conflict in Somalia through its war with Aidid. A final indication of UNOSOM II's ineffectiveness at limiting casualties was the fact that 134 of its own troops perished in Somalia.[109] These fatalities, particularly from the Pakistani and American contingents, were key factors in the decision to withdraw UNOSOM II from Somalia.

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[107] S/1995/231, 28 March 1995.

[108] S/1994/839, 18 July 1994.

[109] United Nations, Background Note, United Nations Peace-keeping Operations (July 1995).

In sum, UNOSOM II was an ineffectual operation under all four indicators of operational effectiveness. UNOSOM II did not accomplish anything productive in Somalia, and in fact, it saw a reversal of some of the humanitarian gains made during UNITAF. Months before UNOSOM II was finally withdrawn in March 1995 it had already given up on Somalia. Its troops remained secluded in their barracks not even attempting to accomplish their tasks.[110] Finally, as the Secretary-General told the Security Council, "it cannot be excluded that, following the withdrawal of UNOSOM, Somalia will plunge again into anarchy and chaos, the responsibility for which will rest squarely on the shoulders of its leaders."[111]

EXPLAINING UNOSOM II'S PERFORMANCE

How can UNOSOM II's ineffectual performance be explained? The simple answer is that the Security Council authorized a mission which attempted to combine peacekeeping with that of peace enforcement. After the failure of a traditional peacekeeping operation (UNOSOM I), the UN sought to design a new type of peacekeeping operation, one which would contain elements of peace enforcement. The belief was that peacekeeping and peace enforcement were two points on the same continuum. Therefore, UNOSOM II could slide from peacekeeping to peace enforcement, and back again, when and where it was deemed appropriate. However, as Dobbie has asserted, "peacekeeping and peace-enforcement strategies require separate and mutually exclusive actions. Whilst there may be variations *within* each category, no spectrum *links* them and the identification of middle-ground will continue to lead to much confusion, and possibly bloodshed."[112] Somalia was a perfect example of the incompatibility of peace enforcement and peacekeeping in the same operation. The UN's experience in Somalia even added a new expression to the study of international peacekeeping, "crossing the Mogadishu line," which meant that if the use of force is perceived as being partial and without consent, it is unlikely that this particular UN force will ever be able to function as a peacekeeping force again in that situation.

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[110] New African (July/August 1994): 28.

[111] S/1994/1166, 14 October 1994.

The most important consequence of UNOSOM II's hybrid design was that the central tenets of peacekeeping, consent, impartiality, and limited use of force, were not adhered to. These characteristics have been the norm in UN peacekeeping operations, but in Somalia all three were violated. The UN Secretariat has since reaffirmed the importance of these three peacekeeping principles. In Boutros-Ghali's 1995 *Supplement to An Agenda for Peace*, he stated that "analysis of recent successes and failures [Somalia is later mentioned by name] shows that in all the successes those principles were respected and in most of the less successful operations one or other of them was not."[113]

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[112] Dobbie: 145.

[113] United Nations, Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations [UN Doc. S/1995/1, 3 January 1995]: para 33.

i) CONSENT

The first principle that was violated in Somalia was the concept of consent. Consent is a particularly murky subject when discussing Somalia. This is because, after the fall of the Barre regime, there was no government to speak of. How does the UN obtain consent when "all structures capable of conferring effective consent have broken down?"[114] This lack of a Somali government led to some embarrassing moments for the UN. For example, the United Nations Development Programme was unable to supply Somalia with $68 million in relief aid "*for lack of a signature* from the nonexistent Somali government."[115] As a legal issue, this gave the UN more room to manoeuvre because there was no central government which could refuse to grant the UN consent.[116] However, as a practical matter, the UN felt it necessary to negotiate with the *de facto* Somali leaders. Therefore, the UN concentrated on coordinating its activities with the two strongest Somali parties: Aidid of the USC/SNA and Ali Mahdi of the Group of 12 (which represented all of the other Somali factions). Nevertheless, Goulding pinpoints the major cause for the UN's failure in Somalia as

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[114] Damrosch, "Concluding Remarks," 356.

[115] Clark, "Debacle in Somalia:" 220.

[116] Mark Hutchinson makes this point by arguing that "the lack of an effective government in Somalia actually helped the Security Council in reaching its mandate under chapter VII." This was because "absent a legitimate authority which could speak for the entire state, the Security Council could point to any number of secondary groups within Somalia as a source of invitation for U.N. intervention." Mark R. Hutchinson, "Restoring Hope: U.N. Security Council Resolutions for Somalia and an expanded doctrine of humanitarian intervention" in Harvard International Law Journal 34/3 (Spring 1993): 632-633.

> the absence of recognized political authorities with whom the UN could reliably conclude agreements for the deployment and activities of the peacekeepers, and because the unrecognized pretenders to power who controlled different parts of Somalia were not willing or, in some cases, able to provide the cooperation needed for the UN to succeed.[117]

UNOSOM I did operate with the consent of the important Somali parties. There were two main components to UNOSOM I: the unarmed observers and the security forces. Both Aidid and Ali Mahdi had signed letters which authorized the establishment of the unarmed observers component.[118] This led the Security Council to pass Resolution 751 authorizing the observers, but it also authorized the security force, something that had not been agreed to by Aidid and Ali Mahdi.[119] Resolution 751 acknowledged that the deployment of the security force was pending due to negotiations with the Somali parties, but the UN could not reach an agreement with the Somalis (particularly Aidid). This led to substantial delays in the deployment of the security forces.[120] The failure to obtain consent from the Somali factions contributed to the decision of the UN to seek assistance from the US through the establishment of UNITAF. UNITAF, despite initial support from the two warlords, was deployed without their formal consent.

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[117] Goulding: 458.

[118] S/23829 Annex I, 21 April 1992.

[119] S/Res/751, 24 April 1992.

[120] Jeffrey Clark, a consultant on development and humanitarian assistance, has criticized the UN's policy of obtaining the consent of Aidid and Ali Mahdi, arguing that it "came at the expense of an immediate opportunity --- that of hiring and training some of the militia as police guards, an initiative that might have weakened the position of the two warlords and in the process seen more food moving." Clark, "Debacle in Somalia:" 220.

It is useful at this stage to conceive of two conceptions of consent: consent to the establishment of the operation, and consent to the conduct of the operation. The second view of consent, as Farrell has stated, "is viewed as being fluid and poorly defined," but consent to the establishment of the operation "which is expected to devolve from formal agreements, is seen as being more concrete."[121] UNITAF had some level of tactical consent from the Somali warlords, but it lacked operational consent.

Following in the wake of UNITAF's intervention, the UN established UNOSOM II. Resolution 814, which established UNOSOM II, stated that "the people of Somalia bear the ultimate responsibility for national reconciliation and reconstruction of their own country."[122] However, by operating without the consent of a significant segment of Somalia's population, the USC/SNA, the UN was contradicting that sentiment. UNOSOM II was deployed under Chapter VII provisions partly "to obviate the need for consent by Somalia to UN actions deemed necessary inside Somalia to safeguard international peace and security."[123] In particular, the UN knew that Aidid would have refused entry to UNOSOM II.[124] Thus, the deployment of UNOSOM II, which would include the entire country, "would not be subject to agreement of any local faction leaders."[125] This made the operation even more of an intervention then UNITAF was, because UNITAF was never deployed in areas where they would face significant opposition from the Somali parties.

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[121] Theo Farrell, "Sliding into War: The Somalia Imbroglio and US Army Peace Operations Doctrine" International Peacekeeping 2/2 (Summer 1995): 207.

[122] S/Res/814, 26 March 1993.

[123] S/1994/653, 1 June 1994.

Despite the fact that the UN deployed UNOSOM II without operational consent from the parties to the conflict, the commanders on the ground knew that their small and exposed peacekeepers would still have to rely on local cooperation. Mackinlay, after a tour of Somalia in May and June 1993, observed that

> [t]here is unanimity at *battalion* level that without a substantial level of local support, UN efforts to restore security will be fruitless and more seriously, the day-to-day security of military bases and humanitarian relief personnel could not be guaranteed....The need for local support has, *de facto*, regardless of UN operational policy, encouraged the more alert battalion commanders in both forces visited to devote time and important assets to fostering good community relations in their immediate environment.[126]

Clearly a contradiction exists when it is determined that the parties to the conflict do not need to consent to the establishment of the peacekeeping operation, but must consent to the implementation of the operation's mandate.

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[124] Confidential interview, DPKO official, New York, Nov 10, 1994.

[125] S/25354, 3 March 1993.

[126] Quoted in Dobbie: 128.

A major victim of UNOSOM II's violation of the consent principle was the disarmament programme. If the Somali parties did not consent to the presence of UNOSOM II, why did the UN think that it would cooperate with its mandate? In its resolution condemning the June attack on the Pakistani peacekeepers, the Security Council stated that the attack was "part of a calculated and premeditated series of cease-fire violations to prevent by intimidation UNOSOM II from carrying out its mandate as provided for in resolution 814."[127] This revealed that the Security Council actually expected that the Somali warlords, despite not consenting to UNOSOM II's deployment, would cooperate with its mandate. The fact that the USC/SNA resisted UNOSOM II's efforts with deadly force shows that Security Council's expectations were naive and without regard to the situation on the ground.

Following its failure to forcibly disarm the Somalis, UNOSOM returned to voluntary disarmament, but this too failed. This confirmed Dobbie's views on consent as the dividing line between peacekeeping and peace enforcement. According to Dobbie, "to cross the consent divide may also be to cross a Rubicon. Once on the other side, there is little chance of getting back...if the consent divide is to crossed it should be as a deliberate premeditated act with appropriate force structure, equipment and doctrine --- not as an accidental drift."[128] In a simplistic form of short-hand, voluntary disarmament is peacekeeping, and forcible disarmament is peace enforcement. Once UNOSOM II had tried forcible disarmament, it was impossible to return to voluntary disarmament.

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[127] S/Res/837, 6 June 1993.

[128] Dobbie: 131.

UNOSOM II's pursuit of its mandate without the operational consent of the parties to the conflict, but with the expectation, and, in fact, the necessity that they would still cooperate, shows the inherent weakness of the peacekeeping/peace enforcement hybrid. The UN felt that it was possible to expand the concept of peacekeeping to bypass the norm of consent. However, the Somali experiment provided strong evidence that peacekeeping equals consent, and that you cannot have one without the other.

ii) IMPARTIALITY

The second peacekeeping characteristic that was violated in Somalia was impartiality. Bringing back the metaphor of the referee will help illuminate why peacekeepers must be impartial between the parties, not just impartial in their enforcement of the mandate. Picture a hockey referee. He is enforcing the rules equally. If one team high sticks, he calls a penalty, and if the other team high sticks he also calls a penalty. Suddenly, one of the teams decides to disregard the high sticking rule and starts committing the foul at every opportunity. The referee has three choices. First, he can decide to stop enforcing penalties, and just concentrate on determining goals. Second, he can stop refereeing and leave the game. Third, he can start handing out more penalties to the side committing the majority of the fouls. However, what does he do if that team then decides that his actions are illegitimate, and starts to attack the official? In a real hockey game, there is an overarching body, like a hockey association, which can suspend the team. However, in a war setting, unlike a hockey game, there is no overarching body to protect the peacekeepers, and they would be forced to defend themselves. This action would make them one of the parties to the conflict, and would turn the peacekeeping operation into a peace enforcement operation.

There are times where the peacekeepers can enforce their mandate without prejudice. For example, peacekeepers can use force against non-parties to the conflict, like criminals or rogue battalions, when they violate the mandate. Likewise, they can take action in isolated circumstances against one of the parties. However, if one of the parties to the conflict makes the conscious decision to violate part, or all, of the mandate, the peacekeepers cannot force them to adhere. In such a case, the peacekeepers have only two responses: to ignore part of the mandate (like disarmament) and concentrate on completing other aspects (like conducting an election), or they can withdraw from the conflict. The option of forcing one of the parties to the conflict to adhere to the mandate is unattainable in a peacekeeping operation.

UNOSOM II's loss of impartiality was most clearly evident in the war against Aidid. The purpose of impartiality is to show that the UN is an "honest broker" with no interests other than to assist the warring parties to obtain a peaceful resolution of their conflict. Once the UN takes sides, its role as an honest broker breaks down and any initiative it takes becomes suspect. In pursuing Aidid, the UN was seen as anti-Hawiye (Aidid's clan) and pro-Majerteen (Ali Mahdi's clan, in addition, both the Majerteen and Barre's Marehan sub-clans share the same Darod clan).[129] The intensity of the hunt for Aidid led some UN officials to express the view that it was "behaving like an aggrieved and lawless party looking for retribution."[130]

The war against Aidid also destroyed the UN's disarmament programme. Herman Cohen, the former US Under-Secretary of State for African Affairs, admitted in the Spring of 1993 that the US government had an official internal policy of disarming only Aidid's forces. They would only start to disarm Ali Mahdi's and Morgan's troops after they had finished with Aidid.[131] It is impossible, in a civil war situation, to expect the parties to accept the disarmament of one side at a time. It allows the ignored parties to grow and consolidate control. Disarmament, to work properly, must be done as simultaneously as possible. Thus, it is no wonder that Aidid forcibly resisted UNOSOM II's attempts at disarmament. The Security Council, which authorized the American pursuit of Aidid in Resolution 837 (which was drafted by the

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[129] Africa Confidential (July 30, 1993).

[130] Africa Report (Sept/Oct 1993): 19.

[131] New African (May 1994): 7.

American delegation), must be held responsible for this blatant disregard of the impartiality principle.[132]

In addition to the war against Aidid there were some serious concerns about the UN's impartiality in Somalia for two more reasons. First, was the presence of UN Secretary-General Boutros-Ghali. As a former Egyptian foreign minister, Boutros-Ghali created suspicion in Somalia because of the ties between Egypt and the former Barre government. As former SGSR Sahnoun added, "the fact that he was also pushing to send Egyptian troops there made them quite nervous."[133] An example of the anger the Somalis felt towards the Secretary-General was when he was pelted with rocks by an irate mob during his visit to Mogadishu in January 1993. Secondly, the composition of the peacekeeping forces raised some resentment and distrust among the Somalis. In particular, Somalis had trouble envisaging either Italy, as Somalia's former colonial ruler, or France, as a former colonial power in much of Africa, as being neutral in the conflict. Neither of these two issues should have been raised to the importance that they were. For example, in any peacekeeping operation the composition of the forces is always going to cause some problems. However, when combined with the war against Aidid, these issues led to concerns over the UN's impartiality.

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[132] DPKO officials have acknowledged that the US did not keep it informed of many of its activities in Somalia. Confidential interview, New York, Nov 8, 1994. This lack of communication was partially due to the fact that under the terms of Resolution 837, which called for member states to provide forces to assist UNOSOM II, no system of coordinating outside forces was created.

[133] "An Interview with Muhammad Sahnoun" Middle East Report (March-June 1994): 32.

iii) LIMITED USE OF FORCE

The UN also violated its limited use of force doctrine. It was the escalation of force in Somalia that led the UN, and the US, into disaster. It is one thing for a peacekeeping force to be prepared to use force in self-defence. However it is something completely different for peacekeepers to initiate conflict. The offensive use of force by the UN/US was symptomatic of the hybrid operation in Somalia.

Traditional practice has been for UN peacekeepers to use force only in cases of self-defence, but in Somalia the rules of engagement (ROE) were expanded. UNITAF was given the mandate "to use all necessary means to establish a secure environment."[134] Although, for the most part, UNITAF never exercised its right of force, its replacement, UNOSOM II, with a similar mandate, did. In fact, the ROE for UNOSOM II, in several cases, were stronger than those given to UNITAF. For example, the US Army's ROE permitted its soldiers to attack armed vehicles on sight without provocation.[135] A consequence of this policy occurred when the US Rangers, which had been authorized under Resolution 837 to support UNOSOM II, launched air attacks on Aidid strongholds in their attempt to arrest him. This led to firefights in the streets of Mogadishu with

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[134] S/Res/794, 3 December 1992.

[135] Farrell: 204.

USC/SNA troops, as well as Somali civilians. UNOSOM II also elected to use coercive force to disarm the factions. By increasing its use of force, the UN, according to many Somalis, turned into an enemy. This enlarged the conflict to include the ostensible referees: UNOSOM II.

The inquiry into UNOSOM II's war with Aidid highlighted two additional reasons why peacekeepers should be limited in their use of force. First, the high level of casualties that UNOSOM II suffered were due to "the inadequacy of the military equipment and lack of preparedness of UNOSOM II forces for such armed confrontation." Second, the "use of force, and deadly force in particular, tends to create a cycle of vengeance that gradually escalates the conflict. The United Nations is helpless if confronted with the inhumane and unscrupulous means a reckless militia can resort to on home turf."[136]

Although the Americans have been rightly blamed for their excessive use of force three crucial points must be made. First, the UN did authorize this use of force. Secondly, even if they had not, the UN would still be held responsible for the actions of any foreign troops in Somalia by the Somalis themselves. It was hard for the Somalis to distinguish between UNOSOM II and the US Rangers. Finally, other members of the UNOSOM II delegation committed instances of excessive use of force. One example was of a group of Nigerian forces who were caught in the middle of a demonstration in Mogadishu. As Stevenson noted, the Nigerians

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[136] S/1994/653, 1 June 1994.

"fired until they had practically run out of bullets, pasting civilian buildings in the center of town."[137] In addition, there was the case of Canadian soldiers torturing and murdering several Somali civilians. While isolated incidents are going to occur in all peacekeeping operations, by mandating this use of force the UN must be held responsible for turning a peacekeeping operation into a war between Somalia and the UN itself.

In sum, by violating the principal requirements for peacekeeping, which had been established over the previous forty years, the UN expanded the doctrine of peacekeeping towards the unique concept of peace enforcement. The decision to create a hybrid operation backfired. As a peace enforcement operation, UNOSOM II, even with the support of the Americans, did not have the resources to forge a new political system in Somalia. Meanwhile, as a peacekeeping operation, the UNOSOM II was considered by many Somalis to be an occupying force. This meant that UN officials could not broker a comprehensive political settlement, the only real guarantee for an end to the humanitarian crisis, between the Somali parties. In the future, the UN would be wise to stick to either peace enforcement or peacekeeping; the two cannot be mixed.

iv) COMMAND AND CONTROL

In addition to violating the principles of peacekeeping, UNOSOM II's command and control structure was also affected by the confusion over whether UNOSOM II was a peacekeeping or peace enforcement operation. "[T]he necessity of a peace-keeping operation to function as an integrated whole" was noted by Boutros-Ghali in his *Supplement to An Agenda for Peace.*[138] In particular, the UN must retain command and control of all peacekeeping operations that it authorizes. Delegating command and control to the United States, or for that matter any other country, may be acceptable in cases of collective security, such as the Gulf War, but not for peacekeeping operations. This is because peacekeeping should not be targeting an enemy, as collective security does, but should work with all parties to resolve a conflict. The UN is ideally suited for this peacekeeping role because it possesses no national interests of its own, but member states cannot make the same claim. By allowing the US to command UNITAF the perception emerged, no matter how benign the Americans intentions were, that it was pursuing its own national interest.

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[137] Stevenson: 141.

The mistake of UNITAF was compounded when the US QRF and Rangers, which were used to support UNOSOM II's mandate, were maintained under US command. Learning from this experience, Boutros-Ghali has warned that "there must be no opening for the parties to undermine its cohesion by singling out some contingents for favourable and others for unfavourable treatment."[139] Unfortunately in Somalia, there were two foreign forces, one under UN command, the other under US command. Frequently, they were interchangeable. How were the Somalis supposed to distinguish between the two? The answer is they could not. The UN was the US, and vice versa. This led to a situation where the Somali parties had the impression that UNOSOM II was serving the policies of the US government rather than that of the international community.[140]

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[138] Supplement to An Agenda for Peace: para 41.

[139] Ibid.

This confusion over command structure also led to conflicts among the contributing states over which course of action should be taken. In peacekeeping operations, home governments give their contingent commanders a detailed term of reference which outlines the parameters of action they can take. Moreover, throughout a mission, national contingents remain in constant radio contact with their own government. If orders from the UN go beyond these parameters then consultation with their home governments is required. This procedure, which is standard in all UN operations, broke down in Somalia. One major example of the difference that existed between the national contingents was the fact that each contingent devised its own ROEs based upon whether they considered themselves a "Chapter VII" or "Chapter VI" nation.[141] This fact brilliantly illustrated what happens when the concepts of peacekeeping and peace enforcement are combined in the same operation.

The Loi incident highlighted the existence of significant disagreements between the UN, the US, and other national contingents.[142] In July 1993, at the height of the war against Aidid, the Italian commander, General Loi, claiming they were inappropriate for the situation, resisted orders from the UNOSOM II commander. The Italians were protesting against the escalation, principally by the US-commanded QRF, in the use of force. The UN was outraged and demanded that Loi be recalled but Rome declined. In addition, the Italians demanded representation at the decision-making table in New York arguing that as the former colonial power in Somalia they possessed a certain degree of expertise. The Italians were also expressing their annoyance with US dominance in the command and control of UNOSOM II. Although UNOSOM II was intended to be a UN-run operation, there was a large American presence: SGSR Howe, Deputy Commander Montgomery, and the US Rangers (which were under US, and not UN, command). Moreover, after the June 5 incident, "UNOSOM II became a US-led operation and only a minimum of consultations with the UN officers on the ground and in New York took place over the ensuing months."[143] As one Pakistani officer stated, "[t]he U.S. handed over the leadership [to the UN], but they continue to dominate."[144] Italy, and other UNOSOM II members, felt that the Americans had pushed the UN into more of a combat role than was necessary for a humanitarian mission.

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[140] Supplement to An Agenda for Peace: para 41.

[141] Jarat Chopra; Age Eknes; and Toralv Nordbo, "Fighting for Hope in Somalia" Journal of Humanitarian Assistance [http://www.jha.cam.ac.uk] (Oct 26, 1995): cha 6, para 65-67.

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[142] UN officials have argued that the amount of friction between the national contingents was blown up by the media. S/26317, 17 August 1993, and a confidential interview with a DPKO official, New York, Nov 8, 1994.

[143] Mats R. Berdal, "Fateful Encounter: The United States and UN Peacekeeping" Survival 36/2 (Spring 1994): 40.

[144] Africa Report (Sept/Oct 1993): 19.

Finally, UN command and control becomes more difficult when casualties increase, as they are bound to do during a Chapter VII operation. When their own troops are at risk, home governments naturally desire greater involvement in the operation. This is why, for Chapter VII missions, the UN forms a military staff committee representing all contributing states. However, this was not done for UNOSOM II.[145] In addition, most member states simply do not trust the UN's capability to conduct military operations.[146] The result in Somalia was that "the actions of some contingent commanders had the effect of weakening the integrity of UNOSOM's military command structure."[147]

In sum, the problems with UNOSOM II's command and control structure are symptomatic of the conceptual confusion with UNOSOM II's mission. A peacekeeping operation is most effective when its command and control is tight. It should not allow the command of peacekeepers to be delegated to a single member state. Somalia illustrates what happens when the UN decides, as *The Economist* concluded, to "sub-contract the job and decision-making to individual members."[148] Peacekeeping is a more delicate procedure than other military endeavors, so it requires the neutrality and legitimacy that only the UN can provide. Moreover, the Somali experience illustrates what happens when peace enforcement units, like the US Rangers, are authorized to operate in a peacekeeping environment. The Security Council's decision to have both peacekeepers (with operational command in New York) and peace enforcement units (with operational command in Washington) operating at the same time in Somalia contributed to UNOSOM II's ineffectiveness.

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[145] S/1994/653, 1 June 1994.

[146] This sentiment was confirmed, strongly, in confidential interviews with officials from member states at the UN's headquarters, New York, Nov 10-16, 1994.

[147] S/26317, 17 August 1993.

[148] The Economist (Oct 1, 1994): 20.

v) REGIONAL SUPPORT

The final factor which explains UNOSOM II's performance was the absence of regional support. Critics of the UN's action in Somalia have suggested that the appropriate regional organizations should have been the ones to address the conflict. Former SGSR Sahnoun argued that "in Somalia, the OAU should have done it."[149] However, in the Somali case, the relevant regional bodies, the OAU and the Arab League, did not even attempt to resolve the conflict. As Clark stated,

> more than two years into the turmoil, the OAU has yet to make a significant statement to the international community about humanitarian needs, national reconciliation processes, or peacekeeping in Somalia. The OAU secretary-general has not visited Somalia; the organization has dispatched no delegation of respected African elders to attempt a dialogue between conflicting factions; it has launched no

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[149] "Interview with Muhammad Sahnoun," 30.

> concerted campaign to place or keep Somalia on the Security Council agenda.[150]

The OAU has no interest in becoming involved in internal conflicts in Africa. The OAU was not formed to resolve conflicts; it was formed as a response to South Africa's policy of *apartheid*. Moreover, the OAU is a strong supporter of state sovereignty. This is because each of its member states' own sovereignty is in a precarious position. Due to the haphazard way that Africa's boundaries were formed, as a direct consequence of colonization, secessionist groups exist in almost all states. The result is that civil wars are a constant plague in Africa. Therefore, the OAU will not become involved in the internal affairs of its member states for fear of encouraging secessionist groups inside of the rest of its member states. As Eritrea's President Issalas Afreweki commented at the OAU summit in Cairo in June, 1993, "the sad fact remains that the OAU has become a nominal organization that has failed to deliver on its pronounced objectives and commitments."[151]

In the absence of a credible regional institution, the role of neighbouring countries becomes even more important. However, Ethiopia and Kenya, Somalia's neighbouring states, played only a minor role in attempting to resolve Somalia's conflict. Although Addis Ababa and Nairobi did host various peace conferences they played only a nominal role in the actual peace negotiations. The only other support that Ethiopia and Kenya provided was in accepting Somali refugees. The other sub-Saharan countries supported the peace process even less. The Ugandan President was the only leader to visit Somalia, and Sudan was the only state to provide food aid.[152]

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[150] Clark, "Debacle in Somalia:" 216.

[151] The Globe and Mail (Oct 8, 1993): A1.

When neighbouring states neglect a conflict the UN is called on to fill this vacuum. The UN is the only international institution which can attempt these operations, but it needs regional support. These regional actors possess knowledge of the geographical area, the combatants, and the nature of the conflict. However, in the Somali case, regional actors were impotent and incompetent. This was a major constraint on the UN's ability to resolve the conflict.

CONCLUSION

The UN failed in Somalia. Despite one of the largest and most expensive peacekeeping operations in history it was unable to resolve the conflict. The UN has ended its mandate in Somalia, but the conflict has not been resolved. In fact, there has been a return to anarchy and civil war. Somalia was a test-case for the UN, but it failed the test. Somalia remains a humanitarian disaster, a security nightmare, and no political settlement is in sight.

The principal reason for UNOSOM II's ineffectiveness in Somalia was the decision to combine a peacekeeping and peace enforcement operation. From the experience of UNOSOM I, it can be safely said that it was unlikely that a traditional peacekeeping operation, one which adhered to the three traditional principles of peacekeeping (consent, impartiality, and minimum use of force) could have succeeded in Somalia. Clearly the conditions for an effective peacekeeping operation (which will be discussed in detail in Chapter 7) were nonexistent in Somalia.

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[152] Stevenson: 145.

It is possible that because of the nature of the Somali crisis, there was nothing that the UN could have done to help rectify the situation. Nevertheless, it is possible that if UNITAF had performed the Secretary-General's intended mandate (which was given to UNOSOM II instead), the subsequent peacekeeping operation could have been more effective. Instead, UNOSOM II's experience in Somalia illustrated the inherent deficiencies contained in a hybrid peacekeeping/peace enforcement operation. UNOSOM II, and its US Army support forces, took on elements of peace enforcement, nonconsensual, partial, and unrestricted use of force, but still expected the parties to the conflict to treat them as peacekeepers. This was unrealistic. In addition, the inclusion of the US forces, which was necessary in order to fulfil Resolution 837, exacerbated UNOSOM II's command and control problems. Clearly the situation in Somalia called out for a novel solution but the UN and the rest of the international community had yet to develop the concepts which could effectively deal with it. The perfect summation of UNOSOM II was made by a US Army General who acknowledged that, "to be quite honest, we are groping in the fog between traditional peacekeeping and peace enforcement."[153]

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[153] Quoted in Farrell: 211

CHAPTER SIX

BOSNIA

Yugoslavia, or the land of the South Slavs, was cobbled together in the aftermath of World War I. It was frequently cited as one of the great successes of the concept of federalism, proving that a state could be created out of a land of different languages, religions, and nationalities. Under the direction of Marshall Josip Tito, the leader of the Yugoslav Partisans during WW II, a myth emerged that: "Yugoslavia has seven neighbours, six republics, five nations, four languages, three religions, two scripts, and one goal: to live in brotherhood and unity."[1] Sadly, this was only a myth, and the myth came crashing down in a sea of bloodshed in 1991. Today, after five years of war, Yugoslavia has been split into five countries: the union of Serbia and Montenegro (which still uses the name Yugoslavia), Croatia, Slovenia, Macedonia (its official name is the Former Yugoslav Republic of Macedonia), and Bosnia-Herzegovina.[2] Moreover, it is likely that the fighting has not come to a full and complete stop, as there remain numerous disputes.

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[1] Quoted in Mihailo Crnobrnja, The Yugoslav Drama (Montreal, 1994): 15.

[2] Given the various disputes over the names of the republics of the former Yugoslavia the following terms will be used: Yugoslavia will refer to either the former nation-state or to the geographical region. The present county of Yugoslavia, which is Serbia and Montenegro, will be called Serbia. Bosnia-Herzegovina will be referred to simply as Bosnia. Macedonia will be called Macedonia, rather than the UN's official name of "the Former Yugoslav Republic of Macedonia."

The most vicious of the wars in the former Yugoslavia has been in Bosnia. After four years of war by the Muslims, Bosnian Croats, and Bosnian Serbs, Bosnia's population has decreased, through death and migration, from 4.3 million to less than 2 million.[3] Moreover, the tactics of the combatants have been especially odious with civilians being targeted through city sieges and ethnic cleansing. While the Bosnian conflict has captured the world's attention, including many international organizations --- the UN, EU, OSCE, and NATO[4] --- the killing has not stopped. Why was UNPROFOR unable either to facilitate a resolution of the conflict, or mitigate the effects of the fighting? That is the subject of this chapter. It is crucial, for the future of UN peacekeeping in internal conflicts, that a critical analysis of what went wrong and what went right with UNPROFOR, is made.

This chapter is divided into four parts. First, a history of the Bosnian conflict is summarized. Second, there is an examination of the creation, expansion, and termination of UNPROFOR, with particular attention given to its mandate. Third, a full assessment of UNPROFOR's effectiveness is conducted. Finally, there is an explanation of UNPROFOR's performance.

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[3] UNHCR, Information Notes on the Former Yugoslavia (July 1994): 11.

[4] In November 1993, the European Community changed its name to the European Union, and in January 1995, the Conference on Security and Cooperation in Europe changed its name to the Organisation on Security and Cooperation in Europe, but for the sake of simplicity, EU and OSCE will be used throughout this chapter.

HISTORY OF THE CONFLICT[5]

Yugoslavia was originally established at the end of World War I following the fall of the Hapsburg Empire. It remained united, albeit with some extreme nationalist tensions, until the outbreak of World War II. Led by the *Ustashe*, an extreme nationalist movement, Croatia seceded from Yugoslavia and formed a fascist state sympathetic to the German Nazis in 1941. During the years of the Second World War a series of large-scale atrocities between Croatia and Serbia took place, the legacy which continues to resonate today. At the end of World War II, Marshall Tito, the leader of the Yugoslav partisans, assumed power over a re-united Yugoslavia. This re-constituted Yugoslavia was a federation of six republics: Serbia, Croatia, Slovenia, Bosnia-Herzegovina, Macedonia, and Montenegro. Although the boundaries of these republics were based on ethnicity, each republic contained substantial minority groups. This was particularly evident in Bosnia.

Tito was a communist and relied, in part, on Soviet aid to defeat the Germans. However, in 1948 Tito broke with Stalin and Yugoslavia became a neutral communist state. Under Tito's leadership, Yugoslavia became one of the leaders of the non-aligned movement. Nevertheless, the Tito years saw an attempt at both communist economic policies and a federation that was deeply centralized through the Communist Party of Yugoslavia. For most of the post-war period Yugoslavia worked. This was a result of increasing republic autonomy, a relatively strong economy, some state coercion, and Tito's personal charisma. However, the seeds for a breakup of the federation existed, and following Tito's death in 1980 they became more pronounced.

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[5] For a history of Yugoslavia with an emphasis on the origins of the present conflict see Crnobrnja; Misha Glenny, The Fall of Yugoslavia: The Third Balkan War (New York, 1994). For a specific history of Bosnia see Noel Malcolm, Bosnia: A Short History (London, 1994).

During the 1980s the economy of Yugoslavia started to regress. Croatia and Slovenia, the economic powers, started demanding ever greater autonomy. This was granted, and Yugoslavia was gradually turning into a decentralized state. However, nationalist stirrings were not confined to Croatia and Slovenia. A key moment in the leadup to the current conflict was the 1987 rise of Slobodan Milosevic to the Serbian Presidency. Part of Tito's strategy had been to keep Serbian nationalism controlled, a feeling that was summed up by Serbian nationalists with the phrase "[a] weak Serbia makes a strong Yugoslavia."[6] Milosevic attempted to capitalize on this simmering Serbian nationalism by attempting to speak for all Serbians, no matter which republic they resided in. The catalyst was the crisis in Kosovo, an autonomous province of mainly Albanian ethnicity, but with a Serbian minority. The incidents in Kosovo, which revived old fears of Serbian nationalism, spurred the independence movements in the other republics. A constitutional crisis emerged and lasted for much of 1989-1991. During this time, Croatia and Slovenia were forming their own armies. In addition, paramilitary groups were being organized by Serbians in the Krajina region of Croatia. All sides were preparing for the inevitable war. Finally, on June 25, 1991 Croatia and Slovenia declared themselves independent. The Serbs, with the assistance of the Yugoslavia National Army (JNA) responded with force, and the Yugoslav conflict had officially begun.

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[6] Crnobrnja: 99.

The first Yugoslav war was in Slovenia but it only lasted a week before the JNA, which was controlled by Serbia, gave up and allowed Slovenia to secede. There were two major reasons why the war in Slovenia was so short. First, Slovenia was the most homogeneous republic with a population that was over 90% Slovene. Thus, there was not a large minority in Slovenia attempting to keep it in Yugoslavia. Secondly, Slovenia did not share a common border with Serbia, which was the republic most adamant at keeping the federation united. In sum, the first war of the Yugoslav conflict was relatively limited.

However, the second war, between Croatia and the JNA/Serbia, was much more violent. The first six months of the war were incredibly bloody, highlighted by the siege of Dubrovnik. In addition, there were several instances of "ethnic cleansing" during the early stages of the war. Ethnic cleansing can be defined as "the elimination, by the ethnic group exercising control over a given territory, of members of other ethnic groups." In practice this included:

> harassment, discrimination, beatings, torture, rape, summary executions, expulsions, shelling of civilian population centres, relocation of populations by force, confiscation of property

> and destruction of homes and places of worship and cultural institutions.[7]

By January 1992, it appeared that the two sides had agreed to a cease-fire, but the war in the former Yugoslavia was not over. Rather, the Croats and the Serbs were training their eyes on Bosnia. Each of them planned on assisting their compatriots inside Bosnia in order to create a Greater Croatia and a Greater Serbia.

Bosnia, nicknamed "little Yugoslavia" because its ethnic mix was similar to that of the country as a whole, was in a dilemma. The Bosnian government, with the exception of the Bosnian Serb component, wanted to remain part of a united Yugoslavia. However, after Croatia and Slovenia left, the Bosnian government decided that it had no choice but to secede as well. An independence referendum was held on March 1, 1992, and it passed overwhelmingly, although it was boycotted by the Bosnian Serbs who made up 31% of the population. Bosnia was recognized as a sovereign state by the European Community and the United States in April, 1992, and was accepted into the United Nations in May.[8]

The fighting in Bosnia began in earnest following its recognition in April. The initial fighting was between the Muslim-dominated Bosnian government and the Bosnian Serbs. The Bosnian Serbs were also supported by elements of the JNA. At the beginning of the war there was an alliance between the Muslims and the Bosnian Croats against their common enemy, the Serbs. In fact, a formal defence treaty had been signed by the President of Bosnia-Herzegovina Alija Izetbegovic and the President of Croatia Franjo Tudjman. However, by the spring of 1993 this alliance had evaporated and the war had turned into a three-way fight with the Bosnian Croats joining the Bosnian Serbs in their attacks on the Muslims. Although fighting between the Bosnian Croats and the Muslims ended with the signing of a cease-fire and the formation of the Bosnian Federation on February 23, 1994,[9] there are sceptics who believe that it is an alliance of convenience, and that eventually Bosnia will suffer a similar fate to that of Poland in 1939 when it was carved up by Germany and the USSR.

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[7] United Nations, The United Nations and the situation in the Former Yugoslavia Rev. 1 (May 1993): 25.

[8] For a discussion on the issue of the recognition of Bosnia see Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia" The American Journal of International Law Vol. 86 (1992): 569-607.

The war in Bosnia was leading to a frightful humanitarian tragedy. By April 21, 1992, the Bosnian conflict had resulted in over 230,000 displaced persons.[10] This number would continue to grow, so that by the end of the first year and a half of fighting there were 150,000 killed, 150,000 missing, and about two million refugees,[11] this from a pre-war population of 4.3 million. However, it was the nature of the suffering that grabbed the world's attention. The ethnic cleansing which had first begun in Croatia became even more widespread in Bosnia. Helsinki Watch asserted that genocide was being committed in Bosnia, particularly by the Bosnian Serbs.[12] In addition to ethnic cleansing, the most arresting image was the siege of Sarajevo. Sarajevo, which is the capital of Bosnia and inhabited by all three ethnic groups, had its siege begin on April 4, 1992. This has led to severe rationing of food and gas. It was as a result of the dire humanitarian situation in Bosnia, which seemed to take on a greater importance because it is in Europe's backyard, that UNPROFOR was deployed.

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[9] S/1994/291, Annex, 11 March 1994.

[10] This was in addition to the 900, 000 refugees who had fled the fighting in Croatia. S/23836, 24 April 1992.

[11] Crnobrnja: 178.

There were essentially three sides in the Bosnian civil war, although there existed many additional paramilitary groups which were beyond the control of the three command structures. First, there were the Muslims. According to the last pre-war census in 1991, Muslims represented 44% of Bosnia's 4.3 million inhabitants.[13] The Muslim leader was Alija Izetbegovic, who was elected President of Bosnia in 1990. Although the Muslims quite rightly refer to themselves as the Government of Bosnia (there was some minor representation in the Cabinet from the other two ethnic groups), it was essentially a Muslim organization. This was because the original coalition government was decimated by defections from its Bosnian Croat and Bosnian Serb representatives. Izetbegovic was infamous for his 1970 "Islamic Declaration" which advocated "the creation of a united Islamic community from Morocco to Indonesia."[14] Although Izetbegovic has since recanted this idea, and pledged a pluralist Bosnia, many Bosnian Serbs and Bosnian Croats continued to believe that he was trying to turn Bosnia into an Islamic, rather than a secular, state.

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[12] Helsinki Watch, War Crimes in Bosnia-Hercegovina Volumes 1 & 2 (New York, 1993). Also see New York Newsday foreign correspondent Roy Gutman's 1993 Pulitzer Prize series of articles on "ethnic cleansing" in Bosnia. Roy Gutman, A Witness to Genocide (New York, 1993).

[13] All census figures about Bosnia are quoted from Crnobrnja: 22-24.

Second, there were the Bosnian Serbs. The Bosnian Serbs, led by Radovan Karadzic and the Serbian Democratic Party of Bosnia-Hercegovina, constituted 31% of Bosnia's population. The Bosnian Serbs formed their own "parliament" in Pale, and desired a union or close association with Serbia. Karadzic has stated that "it is impossible for Serbs to live together with other peoples in a unitary state."[15] However, as events would later show, the relationship between the Bosnian Serbs and Serbia has not always been cordial nor their war aims congruent. In addition, while many in the international community believe that Milosevic can control Karadzic, it soon became apparent that Karadzic had his own goals and objectives.

Third, there were the Bosnian Croats which represented 17% of the population. The major Bosnian Croatian organization was the Croatian Defence Council, led by Mate Boban. They wanted to form an autonomous Bosnian Croat Republic with some type of association with Croatia proper. In fact, some considered Boban to be simply a puppet of Croatian President Franjo Tudjman. However, there were divisions among the Bosnian Croats, with some groups supporting an independent and unified Bosnia. The divisions between these two groups have led to the conflicting strategies that the Bosnian Croats have pursued throughout the Bosnian conflict. This was most evident in their tenuous alliance with the Muslims.

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[14] Quoted in John Zametica, The Yugoslav Conflict Adelphi Paper No. 270 (London, Summer 1992): 38.

[15] Quoted in War Crimes Vol. I: 46.

In describing the pre-war ethnic composition of Bosnia several points need to be made. Unlike the situation in Croatia, Bosnia's ethnic communities did not live in clusters, but were distributed across Bosnia's territory. This made the option of partition very difficult. Of Bosnia's 112 *opstinas*, or administrative units, Muslims held a majority in 37, Serbs in 32, Croats in 13, with 30 containing no majority at all. A complicating feature was that the Bosnian Serbs, when they were concentrated, existed on the western side of Bosnia, while Serbia bordered on the east. Thus, a critical strategic goal of the Bosnian Serbs was to secure a land route between Serbia and the western region of Bosnia. Moreover, during the pre-war years there was much inter-marriage among the ethnic groups. For instance, in the pre-war year of 1991 over 16% of Bosnian children were from mixed marriages. This distribution and inter-marriage of ethnic groups should have kept Bosnia from breaking out in an ethnic conflict, but once the war started it is easy to see how it would be difficult to resolve.

An additional concern which faced the international community was the potential for intervention by neighbouring states. Keeping Serbia and Croatia from continuing their war in Bosnian territory was, of course, a prime consideration, but there were also great fears that the war could spread throughout southern Europe.[16] These fears were expressed by US Secretary of State Eagleburger in late August 1992: "I think there's a real chance that this conflict can spread. It's what has terrified us all from the very beginning. It's been nothing but one escalation after another."[17]

In sum, the Bosnian conflict constituted a humanitarian crisis with accusations, from all sides, of ethnic cleansing, systematic rape, and possibly even genocide. These atrocities were the catalyst for action from the international community. The conflict was being fought by three distinct, and unequal, ethnic groups: the Muslims were the internationally recognized Bosnian government, but possessed few arms and had no regional sponsor;[18] the Bosnian Serbs lacked recognition, but were well-armed and were receiving logistical support from Belgrade; and the Bosnian Croats, who also lacked recognition, but were receiving assistance from Zagreb.

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[16] Kosovo and Macedonia were all thought to be the next site for the growing wars in the former Yugoslavia. In addition, all seven of the former Yugoslavia's neighbours --- Italy, Austria, Hungary, Romania, Bulgaria, Greece, and Albania --- had interests in the Bosnian conflict. Also showing interest in the conflict were traditional actors like Russia and Turkey. For an analysis of the international dimension to the Bosnian conflict see Zametica: 46-74.

[17] New York Times (August 22, 1992): A3.

[18] Reports circulated during the Bosnian war that the Muslims were receiving arms shipments from other Islamic states, in particular Iran. Nevertheless, these shipments paled in comparison to the ones that the Bosnian Croats and the Bosnian Serbs were receiving from Croatia and Serbia respectively.

The unequal footing of the combatants, which helped create the victimization of the Muslims, also created a division among the great powers. The Europeans, in particular the British and the French, viewed the conflict as a civil war. Although they acknowledged that Serbia was assisting their cousins in Bosnia, they pointed out, quite correctly, that the conflict was fought almost exclusively by Bosnians. To the Americans, however, it was a simple case of Serbian aggression against Bosnia. In Washington's eyes, it was 1991 and Iraq's invasion of Kuwait all over again. This lack of a consensus, particularly inside the P-5, led to a situation where, as a senior DPKO official remarked, "there was no logical progression of the mandate."[19] As will be revealed throughout this chapter, UNPROFOR's mandate was reactive to events in Bosnia and based on the lowest common denominator of great power consensus. Finally, efforts at conflict resolution were complicated because the nature of the ethnic distribution meant that partition without war was seen as an unlikely solution. Thus, UNPROFOR was deployed in an internal conflict, which had the potential of spreading, in order to prevent humanitarian suffering.

DEVELOPMENT OF THE PEACEKEEPING OPERATION

In sketching out the evolution of UNPROFOR emphasis will be given to the creation and performance of its various mandates. In particular, eight key developments will be discussed: 1) the original deployment; 2) the Sarajevo Airport Agreement; 3) humanitarian convoy protection; 4) border patrols; 5) creating a no-fly-zone; 6) protecting safe areas; 7) monitoring the Bosnian Federation cease-fire; and 8) UNPROFOR's withdrawal. Once UNPROFOR's mandate has been sketched out in this fashion, there will be a brief summary of the common themes which have emerged.

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[19] Confidential interview, New York, Nov 14, 1994.

i) ORIGINAL DEPLOYMENT

The UN's first presence in Bosnia occurred before the war there had officially begun. This was because the UN decided to establish the headquarters of UNCRO[20], which was responsible for monitoring the conflict in Croatia, in Sarajevo. The decision to place the headquarters of UNCRO in the Bosnian capital was controversial. The UN hoped that its mere presence in Sarajevo would prevent conflict from erupting in Bosnia.[21] However, the military leadership of UNCRO argued that

> [o]nce we put the UN flag up in front of our headquarters, it will be a lightning rod for

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[20] Originally, UNPROFOR referred to all of the UN's operations in the former Yugoslavia. It had a command structure headed by a Special Representative for all of the former Yugoslavia, with military, civil affairs, public information and administrative components. There was a Force Commander responsible for all of the former Yugoslavia, with three Sector Commanders, one each for Croatia, Bosnia, and Macedonia. This command structure was formalized by the UN with S/Res/871, 4 October 1993. This arrangement was changed in March 1995 when the operations were formally separated. Henceforth, UNPROFOR would refer only to the Bosnian operation, while the missions in Croatia and Macedonia were changed to the United Nations Confidence Restoration Operation in Croatia (UNCRO) and the United Nations Preventive Deployment in The Former Yugoslav Republic of Macedonia (UNPREDEP). However, for the sake of consistency, UNCRO, UNPREDEP, and UNPROFOR will be used throughout.

[21] S/1994/300, 16 March 1994.

> every problem in and around Sarajevo; yet we'll have neither mandate nor resources to deal with the inevitable requests for help.[22]

Nevertheless, it was determined that UNCRO's headquarters would be in Sarajevo and on March 26, 1992 the UN flag was raised officially opening UNCRO's headquarters.

As events turned out, the establishment of UNCRO's headquarters in Sarajevo was a major disaster. Not only did it cause logistical difficulties for the Croatian operation, but it did not deter the conflict in Bosnia from igniting. As feared by UNCRO's military command, the Sarajevo headquarters soon became a target for all sides in the Bosnian conflict. However, the UN had no mandate in Bosnia and was powerless to act. Eventually the UN had to transfer its civilian workers back to Zagreb because of a blockade by the Bosnian Serbs which led to the suspension of normal economic commerce in the city. As the Secretary-General noted in a report to the Security Council, "the establishment of [UNCRO's] headquarters in Sarajevo has not prevented a savage conflict from breaking out there."[23]

Once the war in Bosnia started in early April 1992, the UN sent 40 military observers to Mostar on April 30 to monitor the cease-fire that had been arranged on April 12.[24] These observers were part of UNCRO because a specific peacekeeping force for Bosnia had yet to be approved. In fact, in the spring of 1992 it looked like a peacekeeping operation for Bosnia would not be approved. In a report to the Security Council on May 12, the Secretary-General emphasized that "in Bosnia-Herzegovina it is not at present feasible to undertake peace-keeping activities beyond the existing limited involvement of [UNCRO] in Sarajevo and the Mostar region, in both of which places the security of United Nations personnel is already precarious."[25] Days after this report was presented the UN withdrew most of its observers from Bosnia.

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[22] Major-General (Retired) Lewis Mackenzie, Peacekeeper: The Road to Sarajevo (Vancouver, 1993): 106-107.

[23] S/23900, 12 May 1992.

[24] S/23836, Annex II, 24 April 1992.

While the UN Secretariat was staunchly arguing against a UN peacekeeping operation in Bosnia, the Security Council was creeping towards that result.[26] The UN judged that the fighting in Bosnia was due to the "concerted effort by the Serbs of Bosnia-Herzegovina."[27] It was then determined that the Bosnian Serbs were being assisted by Serbia. On May 15, 1992, the UN adopted Resolution 752 demanding "that Bosnia-Herzegovina's neighbours take swift action to end" all forms of interference "and respect the territorial integrity of Bosnia-Herzegovina."[28] Two weeks later, after the infamous shelling of a Sarajevo breadline, the Security Council, acting under Chapter VII, imposed comprehensive sanctions on Serbia because of its involvement in the Bosnian conflict.[29] The economic sanctions on Serbia were the first significant measure by the Security Council regarding the Bosnian conflict, but there was still no peacekeeping operation at this time.

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[25] S/23900, 12 May 1992.

[26] This was confirmed in confidential interviews with DPKO officials, New York, Nov 8-14, 1994.

[27] S/23900, 12 May 1992.

[28] S/Res/752, 15 May 1992.

ii) SARAJEVO AIRPORT AGREEMENT

The Security Council took steps towards creating a peacekeeping operation for Bosnia when, in Resolution 752, it requested that the Secretary-General "review the feasibility of protecting international humanitarian relief programmes... and of ensuring safe and secure access to Sarajevo airport."[30] Responding to this request, the Secretary-General suggested that the UN could "provide armed protection for convoys of humanitarian supplies en route from Sarajevo Airport to distribution centres within that city." However, the Secretary-General warned that this type of mission would not only be "extremely difficult and expensive," but it "could make it more difficult to secure the cooperation" that UNCRO needed in Croatia.[31] The Security Council, in Resolution 757, requested that the Secretary-General work with the Bosnian parties to achieve a "security zone encompassing Sarajevo and its airport," in order to "ensure unimpeded delivery of humanitarian supplies" in Sarajevo.[32]

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[29] S/Res/757, 30 May 1992.

[30] S/Res/752, 15 May 1992.

[31] S/24000, 26 May 1992.

[32] S/Res/757, 30 May 1992.

On June 5, 1992, after three days of negotiations between Cedric Thornberry, the Director of Civil Affairs for UNCRO, and the three Bosnian factions, an agreement was reached for the re-opening of the airport. The agreement specified that UNCRO would have full responsibility for the functioning and security of the Sarajevo airport.[33] Thus, Security Council resolution 758 finally gave the UN a mandate in Bosnia. UNPROFOR, under the initial command of General Lewis Mackenzie of Canada, was created with the limited mandate of re-opening the Sarajevo airport for the delivery of humanitarian supplies.[34]

Implementing the airport agreement, which involved supervising the withdrawal of anti-aircraft weapons and the concentration of heavy weapons at agreed locations throughout Sarajevo, was not easy. Word of the airport agreement had led to renewed fighting between the Muslims and the Bosnian Serbs. As General Mackenzie noted,

> this is a characteristic of peacekeeping assignments throughout the world: anytime there is a chance that UN action will freeze the status quo on the ground, the parties to the conflict go on a last-minute offensive to make as many territorial gains as possible before the appointed time for the ceasefire arrives.[35]

Accordingly, each Bosnian party made additional demands which were not part of the original agreement. The Bosnian Serbs had effective control of the airport and did not want to give it up. Karadzic proposed that the Bosnian Serbs could operate the airport for the UN, while the Muslims demanded that all heavy artillery be moved twenty kilometres outside of Sarajevo.[36] Although three of the basic conditions of the June 5 agreement were not yet established --- a cease-fire, the complete concentration of heavy weaponry under UNPROFOR supervision, and the establishment of security corridors to allow for the delivery of the humanitarian aid --- UNPROFOR was taking strides to re-open the airport.[37] These efforts were aided by a surprise visit from French President Francois Mitterand on June 28. Finally, on July 3 Sarajevo airport was re-opened, secured by Canadian and French troops, and nine planes full of humanitarian aid landed.

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[33] For the full text of the Sarajevo Airport Agreement see S/24075, Annex, 6 June 1992.

[34] S/Res/758, 8 June 1992.

[35] Mackenzie: 204.

iii) HUMANITARIAN CONVOY PROTECTION

Despite the re-opening of the Sarajevo airport, safe distribution of aid was still being impeded. Security corridors had yet to be established and, as a result, humanitarian convoys were being fired on as they attempted to deliver supplies. More seriously, in the summer of 1992, there was the discovery of Bosnian Serb-operated concentration camps in northern Bosnia. The international community was becoming convinced that the Bosnian Serbs, with the full encouragement and support of Belgrade, were committing acts of genocide against the Muslims. Thus, on August

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[36] Ibid: 209-220.

[37] S/24263, 10 July 1992

13, the Security Council passed Resolution 770 which, acting under Chapter VII, called on Member States to take "all measures necessary" for the delivery of humanitarian assistance in Bosnia.[38] However, no Member State was willing to lead a humanitarian intervention, which would be similiar to that later performed by UNITAF in Somalia, into Bosnia.[39] Predictions that between 100,000 and 300,000 troops would be required for an intervention into Bosnia scared off the international community.[40]

The International Conference on the Former Yugoslavia (ICFY), jointly hosted by the EU and the UN, was convened in London in August 26-28, 1992. Present in London were the three Bosnian parties, representatives from the other former Yugoslav republics, the EU, the OSCE, and the UN Secretariat. During this conference, it was hoped, a solution for the Bosnian conflict could be reached. Despite divisions among the great powers a limited consensus did emerge out of London: the creation of a UN peacekeeping operation with a strictly humanitarian mandate. The Europeans could not ignore the Bosnian conflict, either for moral or realpolitik reasons.[41] At the same time, however, the European powers, in particular Britain and France, wished to avoid using their own ground troops.[42] There was a need to get involved in a different way; thus the decision to send in the peacekeepers. The biggest proponent for the peacekeeping option, according to DPKO officials, was British Prime Minister John Major.[43]

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[38] S/Res/770, 13 August 1992. The Security Council was prompted to take Chapter VII measures due to recommendations from General Assembly resolution 46/242.

[39] Confidential interviews with member state diplomats, New York, Nov 8-16, 1994.

[40] New York Times (August 19, 1992): A12 and New York Times (August 21, 1992): A10.

[41] Confidential interview with a German representative to the UN, New York, Nov 15, 1994.

The US wanted to stay out of Bosnia believing that it was Europe's responsibility (a view that the Europeans also claimed initially). Former US State Department officials, who resigned over the Bush Administration's handling of Yugoslavia, argued that "the Administration, at high levels in the State Department and the White House, doesn't really want to get involved." They believe that "Americans don't care."[44] As such, the US would offer only air support, not ground troops, for a mission in Bosnia. As Secretary of State Eagleburger asserted at the London Conference, "I worry about the degree to which the United States involves itself militarily in a process for which there is no clear purpose and no clear end."[45]

Meanwhile, the UN Secretariat continued to voice its opposition to a peacekeeping operation in Bosnia.[46] The Secretariat argued that its peacekeeping budget was stretched to the breaking point due to the large operations in Croatia and Cambodia. However, the Security Council insisted on the creation of a peacekeeping operation. Thus, a deal was struck whereby the peacekeeping operation would be financed through voluntary contributions, rather than through the peacekeeping budget.[47] Moreover, the biggest proponents of the operation, the British and the French, would have to supply the majority of the troops. In all, France, Britain, Spain, and Canada contributed a total of 7,500 troops for UNPROFOR.[48]

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[42] Confidential interview with DPKO official, New York, Nov 8, 1994.

[43] Confidential interview, New York, Nov 8, 1994.

[44] New York Times (August 26, 1992): A8 and New York Times (August 27, 1992): A10.

[45] US State Department, Dispatch (September 1992): 13.

[46] The reasons for this opposition were first enunciated after Goulding's mission to Sarajevo in May 1992. S/23900, 12 May 1992. During the London Conference the Secretariat continued to emphasize

On September 14, the Security Council established UNPROFOR with a mandate to "support UNHCR's efforts to deliver humanitarian relief throughout Bosnia and Herzegovina, and in particular to provide protection, at UNHCR's request, where and when UNHCR considered such protection necessary."[49] However, as a

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the size and cost of mounting a peacekeeping operation in Bosnia. Confidential interviews with DPKO officials, New York, Nov 8-16, 1994.

[47] UNPROFOR was eventually returned to the UN's peacekeeping budget because the UN Secretariat feared that the UN was losing control of the operation. Since the operation was being financed outside of the UN structure, the troop contributors (who were also the largest financial supporters of the operation) felt justified to operate largely independent of the UN. Therefore, the decision to finance UNPROFOR through the UN's peacekeeping budget was made by the UN in an attempt to wrest operational control away from the individual troop contributors whose troops, in the words of one senior DPKO official, "were following their national governments" (Confidential interview, New York, Nov 14, 1994).

[48] S/24540, 10 September 1992.

[49] S/Res/776, 14 September 1992 and S/24540, 10 September 1992.

result of a threatened Chinese veto,[50] all references to Chapter VII provisions, which had been contained in the earlier Resolution 770, were deleted.

iv) BORDER PATROLS

In addition to the enhancements (monitoring no-fly zones, protecting safe areas) that would eventually be attached to UNPROFOR's mandate, there were other options which were seriously considered by the Security Council, but never implemented. One of these was to expand UNPROFOR's mandate and strength to include patrolling Bosnia's borders. This would ensure that weapons, personnel, and other forms of assistance were not being sent to the Bosnian combatants in violation of the embargo.[51] This was an attempt by the Security Council to contain the Bosnian conflict by ridding it of Croatian and Serbian interference.

On December 21, the Secretary-General presented to the Security Council a plan for controlling Bosnia's borders. The report argued that any presence could not be simply symbolic because this would "not only fail to fulfil the Council's requirements, but would also undermine the already strained credibility of UNPROFOR." Therefore, UNPROFOR would have to be granted a mandate which would include "the right not only to search but also to turn back or confiscate military personnel, weapons, or sanctioned goods." This would require UNPROFOR to be supplied with an additional 10,000 troops in order to provide round-the-clock monitoring of 123 border crossings.[52] The Secretary-General's dissuasion proved decisive and UNPROFOR's mandate was not expanded to include monitoring Bosnia's borders.

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[50] China has been concerned about the amount of power being assumed by the UN, and therefore has tried to restrict its use of Chapter VII to only isolated and severe circumstances. New York Times (September 15, 1992): A3.

[51] S/Res/787, 16 November 1992.

The failure of the border patrol scheme to be implemented illustrated one of the major themes of the UN's involvement in Bosnia. The Security Council members would propose new tasks for the peacekeeping operation, but were unwilling to "put their troops where their resolutions were." This discrepancy was particularly glaring in the case of the United States which orchestrated many of the Security Council resolutions (including the border patrol scheme) but was unwilling to deploy any ground troops to Bosnia. Meanwhile, Britain and France, who were the largest contributors to UNPROFOR, felt that they had already made enough of a commitment, and were reluctant to increase their participation in the field. This left it up to the UN Secretariat to argue against the various proposals made by the Security Council. The UN Secretariat would outline the costs involved in a given proposal, and explain how it was impossible to obtain the resources necessary to implement the resolution without a strong commitment from Security Council members. In most cases, the creation of UNPROFOR for one, the Secretariat's advice would be discounted and it would be ordered to carry out the Security Council's proposal with whatever resources they could muster, not the resources that would be required. In rarer instances, like the border patrol plan, the Security Council would accept the advice of the Secretariat and not authorize the increase in UNPROFOR's mandate.

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[52] S/26018, 1 July 1993.

v) NO-FLY-ZONE

A month after creating UNPROFOR the Security Council realized that it was unable to protect the humanitarian convoys adequately. Due to constant harassment from the Bosnian Serbs, UNPROFOR was able to deliver only about one-quarter of the needed humanitarian supplies. This led to fears that, with the coming winter, 100,000 to 400,000 Bosnian deaths could occur.[53] As a result, the US government felt that force was required to protect the Muslims from Bosnian Serb air attacks. However, there was no unanimity over this issue in Washington. Several senior members of the American military feared that no clear objective existed and that advocates of the air strike option were simply disgusted over the use of Bosnian Serb air power. As General Colin Powell, the Chairman of the Joint Chiefs of Staff, asked rhetorically: "Are you intervening for the purpose of achieving a result or are you intervening because you do not like a particular weapon system that is being used?"[54] Britain and France were also leery of enforcing a no-fly-zone. As a British Foreign Officer remarked, "the use of

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[53] James B. Steinberg, "International Involvement in the Yugoslavia Conflict" in Enforcing Restraint: 44.

[54] New York Times (Oct 2, 1992): A8.

U.S. air power has implications for the troops on the ground."[55]

On October 9, the Security Council passed Resolution 781 banning all non-UN military flights in Bosnia, but, due to a lack of consensus, no enforcement mechanism was included.[56] In November, UNPROFOR's strength was expanded to include 75 observers to help monitor airfields in Bosnia, Croatia, and Serbia.[57] Nevertheless, UNPROFOR was unable to prevent violations. By February 1993, almost 400 violations of the "no-fly-zone" had been recorded.[58]

As a result of the non-compliance with the flight ban, the UN initiated talks with NATO for their assistance in enforcement. The US was the chief advocate of NATO shooting down all violators. France, in a reversal of its earlier position, also favoured NATO air power to enforce the flight ban. However, this proposal was still resisted by countries reluctant to use force in the belief that it would endanger UN peacekeepers on the ground. For instance, Britain believed, influenced by a letter from Karadzic to Major, that attacks on UN peacekeepers would occur if there was any enforcement of the no-fly zone.[59] Nevertheless, Britain was eventually persuaded to go along. NATO, during a Foreign Ministers meeting in December 1992, stated that it was

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[55] New York Times (Oct 5, 1992): A13.

[56] Although there was no enforcement of the no-fly-zone at this time, violations were being monitored through NATO's AWACS system. S/Res/781, 9 October 1992.

[57] S/Res/786, 10 November 1992.

[58] S/25264, 10 February 1993.

[59] Toronto Star (Dec 18, 1992): A1, A3.

"prepared to support the UN in enforcing" the no-fly zone.[60] However, the Security Council was prevented from authorizing force by Russia. Russian President Boris Yeltsin was reluctant to agree on more severe action against the Bosnian Serbs because of domestic pressure from Russian nationalists who were siding with Serbia.[61] Thus, no action was taken to strengthen the enforcement of Bosnia's no-fly-zone.

The division over enforcement of the flight ban ended on March 13, 1993, when three Serbian bombers attacked a village just east of Srebrenica. This was the first time since the establishment of the no-fly-zone that military aircraft had been used on combat missions. Serbia denied all knowledge of the incident, but regardless, the Security Council decided to take stronger measures. On March 31, utilizing Chapter VII provisions, the Security Council passed resolution 816, which authorized NATO, "under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, all necessary measures" to "ensure compliance with the ban on flights" in Bosnia.[62] *Operation Deny Flight* had been enacted.

On April 9, the Secretary-General of NATO Manfred WÖerner wrote to the Security Council that NATO had made all "necessary arrangements" to ensure that the flight ban would be complied with.[63] NATO members Britain, France, the Netherlands, Turkey, and the United States had all made aircraft available for the operation, while Italy made air bases available. These aircraft were deployed in both Croatia and Bosnia. NATO was *not* part of the peacekeeping operation but was supplying air support, at the discretion of the UNPROFOR command, for the operation. To assist this process, UNPROFOR sent a liaison team to the command headquarters of the NATO countries concerned.

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[60] NATO, Statement on Former Yugoslavia (Dec 17, 1992).

[61] For a good account of Russia's dilemma between maintaining close co-operation with the international community and abandoning its traditional ties with the Serbs see Lenard J. Cohen, "Russia and the Balkans: pan-Slavism, partnership and power" International Journal 49/4 (Autumn 1994): 814-845.

[62] S/Res/816, 31 March 1993.

NATO's presence appeared to be a strong deterrent, which was strengthened on February 28, 1994, when NATO fighters shot down four of six Serbian jets over Bosnian airspace. Since then, NATO's involvement has virtually eliminated all bombing campaigns. The vast majority of flight ban violations have been "flying trucks;" helicopters transporting troops and civilians.[64]

Although NATO was now authorized to enforce the flight ban, the US spent March and April 1993 pushing for the extension of air power to include strikes against Bosnian Serb artillery positions. However, the other members blocked this proposal. The British and French, reminding the Clinton Administration that unlike the Americans they had troops on the ground, argued against air strikes. The Russians, who only relented in their opposition to tougher economic sanctions against Serbia as a result of American pressure, were also adamant against authorizing air strikes.[65] Thus, the air strikes debate subsided once again.

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[63] Situation in the Former Yugoslavia Rev. 2 (March 1994): 14.

[64] Confidential interview with DPKO official, New York, Nov 14, 1994.

vi) SAFE AREAS

In March 1993, despite the diplomatic efforts of the UN, fighting intensified along Bosnia's eastern border with Serbia. The shelling of Srebrenica by Bosnian Serb forces was the worst incident. The UN decided to respond with the safe area concept which had worked so well in northern Iraq in the aftermath of the Gulf War. On April 16, the UN, acting under Chapter VII, adopted resolution 819 which declared greater Srebrenica a "safe area which should be free from any armed attack or any other hostile act."[66] To enforce this resolution, UNPROFOR sent 170 troops to Srebrenica to "collect weapons, ammunition, mines, explosives, and combat supplies." On April 18, 1993 an agreement was reached between the Bosnian Serbs and the Muslims which ended the shelling of Srebrenica and led to its demilitarization. However, the agreement that was reached required that "only the Muslim side was to disarm under the supervision of UNPROFOR." The UNPROFOR commander, who convinced the Muslims to sign, stated that "the alternative would have been a massacre of 25,000 people."[67]

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[65] For a description of Russia's dilemma see New York Times (April 9, 1993): A1, A6. Security Council Resolution 820 authorized the seizing of Yugoslav transport equipment, banning all ships entering Yugoslav waters and more strictly enforcing the existing trade embargo. S/Res/820, 17 April 1993.

[66] S/Res/819, 16 April 1993.

[67] S/25700, 30 April 1993.

The UN, which was disgraced and embarrassed by its impotence in Srebrenica, attempted to make amends by declaring Sarajevo, Tuzla, Zepa, Gorazde, and Bihac to be safe areas before they were attacked by Bosnian Serb forces. However, to assist it in implementing its new tasks UNPROFOR's strength was only increased by an additional 50 military observers.[68]

After extending the safe area concept, the UN, in order to avoid more Srebrenicas, needed to find a way to enforce it. A NATO document outlined three options: 1) a small symbolic deployment of peacekeepers which would provide only a minimal level of protection; 2) deploy 2,000 - 3,000 troops to each safe area, which would provide a certain degree of security against attacks; and 3) a large force of 12,000 in each safe area which would be capable of putting down any threat.[69] However, as has been a constant feature of the international community's response to the Bosnian conflict, few troops would be provided to protect the safe areas. The British and French would not supply more than 2,000 to 3,000 ground troops for such an operation, and the Americans and Russians refused to deploy any ground troops.

Despite concerns over whether UNPROFOR could be supplied with the resources to perform its new duties, the Security Council passed Resolution 836 on June 4 to expand UNPROFOR's mandate to include the protection of the safe areas. These new tasks included deterring attacks, monitoring the cease-fires, promoting the withdrawal of military or paramilitary units "*other than those of the Government of the Republic of Bosnia and Herzegovina,*" [italics mine] and occupying some key points on the ground.[70]

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[68] S/Res/824, 6 May 1993.

[69] The Globe and Mail (May 25, 1993): A10.

It is important to emphasize the fact that by allowing the Government of Bosnia [Muslims] to remain armed in the safe areas the UN was greatly damaging its policy of impartiality. Muslim officials maintain that this exemption was necessary to maintain the sovereignty of the officially recognized government of Bosnia.[71] In addition, the Muslims were not convinced that UNPROFOR would be able to protect them from Bosnian Serb attacks. Nevertheless, this was a blatant attempt at taking sides in the Bosnian conflict by the UN. Although there had been resolutions condemning the Bosnian Serbs, now UNPROFOR was mandated to disarm the Bosnian Serbs, but not the Muslims. This decision would come back to haunt UNPROFOR when the Muslim army would use the safe areas for tactical and strategic purposes.

In order to protect the safe areas, UNPROFOR was granted the right "to take the necessary measures, including the use of force." In addition, NATO was authorized to use air strikes in support of UNPROFOR.[72] It was also intended that UNPROFOR's strength would be increased. UNPROFOR's Force Commander estimated that it would require an additional 34,000 troops to implement the safe areas resolution. However, the Secretary-General argued that it was possible to use a "light option" of an additional 7,600 troops, assuming that UNPROFOR had the consent and cooperation of the warring parties.[73] The Security Council adopted the smaller proposal and authorized the re-enforcement of UNPROFOR by 7,600 troops.[74] However, in spite of the Security Council's resolution, member states could only come up with an additional 5,200 troops. This forced UNPROFOR to deploy 1,300 troops and observers from Croatia to Bosnia.[75]

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[70] S/Res/836, 4 June 1993.

[71] Confidential interview, New York, Nov 15, 1994.

[72] S/Res/836, 4 June 1993.

NATO, although possessing the authority, had yet to use its air power in Bosnia. It had simply indicated its preparedness. For instance, in August 1993, NATO announced that it was preparing to undertake, "in the event that the strangulation of Sarajevo and other areas continues," air strikes against the Bosnian Serbs.[76] Again at a NATO Heads of State summit in January 1994, its readiness "to carry out air strikes" was re-affirmed.[77] This resolve to use air strikes was tested when Bosnian Serb forces prevented a Canadian contingent of UNPROFOR from being relieved in Srebrenica and would not allow the Tuzla airport to be reopened. On January 28, 1994, the Secretary-General submitted a letter to the President of the Security Council outlining three scenarios for the situation in Srebrenica, of which two contemplated the use of NATO air strikes. However, a distinction was made between "close air support involving the use of air power for self-defence," and "air strikes for pre-emptive or punitive purposes." Boutros-Ghali, while acknowledging the risks that air strikes would entail, nevertheless favoured their use.[78] Fortunately this option did not have to be used, because on March 1, 1994 the Bosnian Serbs, under pressure from Russia, agreed to allow the re-opening of the Tuzla airport and the troop rotation at Srebrenica.

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[73] S/25939, 14 June 1993.

[74] S/Res/844, 18 June 1993.

[75] S/1994/291, 11 March 1994.

[76] NATO, Press Statement by the Secretary General (August 2, 1993).

[77] Situation in the Former Yugoslavia Rev. 2 (March 1994): 21.

The question of whether NATO would use air strikes returned once again on February 4, 1994, when over 50 civilians were killed and over 150 wounded in a mortar attack at a central market in Sarajevo. While the earlier air strike option had been drawn up specific to the situation in Srebrenica and Tuzla, Boutros-Ghali now argued that it was time to "prepare urgently for the use of air strikes to deter further such attacks." Boutros-Ghali informed the Security Council that he had requested NATO's Secretary-General to obtain authorization from the North Atlantic Council "to launch air strikes, at the request of the United Nations, against artillery or mortar positions in and around Sarajevo which are determined by UNPROFOR to be responsible for attacks against civilian targets in that city."[79]

NATO responded to the UN's request and, on February 9, stated that if the Bosnian Serbs did not withdraw all of its heavy weaponry 20 kilometres from Sarajevo --- Pale, the capital of Republica Srpska, was exempted --- they would be subject to air strikes. In the same NATO declaration, the Muslims were also told to place their heavy weaponry under UNPROFOR control and refrain from attacks from within Sarajevo. This reversed Resolution 836 which had allowed the Muslim-led Government of Bosnia to retain possession of its weapons in the safe areas. In making this declaration, NATO gave the Bosnian Serbs a ten day ultimatum before the launching of air strikes. This created a new category, in addition to the concept of the safe area, called a "military exclusion zone." The military exclusion zone was NATO's interpretation of Resolution 836, not a new resolution authorized by the Security Council. Nevertheless, NATO would still be used only at the request of the UN. In tandem with the NATO ultimatum was the pressure that Russia, acting as a mediator between Pale and NATO, placed on the Bosnian Serbs. Russia redeployed 400 of its troops from Croatia to a position between the Muslim and Bosnian Serb forces. The Russian peacekeepers were used to prevent the Muslim army from occupying Serb positions, and thus continuing the fighting, while the heavy weapons were being removed.[80] They also presented Pale with a face-saving gesture. In the end, the ultimatum worked as the heavy weapons were either withdrawn or placed under UNPROFOR control by February 20 without the use of NATO air power.[81]

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[78] Ibid: 22.

[79] Ibid: 23.

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[80] Wolfgang Biermann, "`Old' UN Peacekeeping Principles and `New' Conflicts: Some Ideas to Reduce the Troubles of Post-Cold War Peace Missions" European Security 4/1 (Spring 1995): 45.

Following the withdrawal of the heavy weapons from Sarajevo, the UN believed that the safe areas were finally being protected. The Security Council tried to take advantage of the situation by passing Resolution 900 on March 4, which called on the parties to consolidate the cease-fire in Sarajevo, achieve complete freedom of movement for civilians and humanitarian supplies and to help restore normal life. It also requested the Secretary-General to assess the possibility of extending the safe area concept to Maglaj, Mostar, and Vitez.[82]

In response, the Secretary-General appealed for additional troops for UNPROFOR. Noting that the original increase of 7,600 troops called for in resolution 844 never fully materialized, he argued that an additional 4,600 troops would be required for Sarajevo alone. However, "movement to and from the city, depends on the status of the access routes, not only in the immediate vicinity of Sarajevo but also throughout Bosnia and Herzegovina."[83] These would involve UNPROFOR assuming the following additional tasks throughout Bosnia: monitoring the cease-fire, establishing heavy weapons collection sites, monitoring heavy weapons which have not been handed over, monitoring the exclusion zone to prevent the return of heavy weapons, transporting and protecting POWs and assisting in repairs to utilities. These tasks would require an extra 6,050 troops, the Maglaj safe area would require an additional 1,500, and an additional 425 military observers and civilian police monitors would also be needed. In total, to fulfil Resolutions 844 and 900, UNPROFOR would have to be strengthened by 12,575 troops and observers.[84] The Security Council decided to increase UNPROFOR's strength by 10,050 troops, 150 military observers, and 275 civilian police monitors, but would not grant Maglaj safe area status.[85]

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[81] NATO, Press Release 94/15, 9 February 1994.

[82] S/Res/900, 4 March 1994.

[83] S/1994/291, 11 March 1994.

NATO finally resorted to air strikes on April 10-11, 1994 following the sustained shelling of the safe area of Gorazde by the Bosnian Serbs. Following a formal request by UNPROFOR's Commander, NATO retaliated against Bosnian Serb positions. This would lead to an April ultimatum, similar to the one used in Sarajevo in February, that the Bosnian Serbs pull their heavy weapons out of Gorazde under threat of renewed NATO air strikes.[86] On April 22, 1994 the Security Council passed Resolution 913 which gave official UN sanction to NATO's "military exclusion zone" concept.[87] Within four days the Bosnian Serbs had complied with the ultimatum and moved their forces back beyond the 20 km exclusion zone.

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[84] IBID.

[85] S/Res/908, 31 March 1994 and S/Res/914, 27 April 1994.

[86] S/Res/913, 22 April 1994. Also see NATO, Press Release 94/31 (April 22, 1994).

[87] S/Res/913, 22 April 1994.

The problem of defending the safe areas was also exacerbated by the Muslim army which "used the safe areas as locations in which its troops can rest, train and equip themselves as well as fire at Serb positions, thereby provoking Serb retaliation."[88] Resolution 913 was partly, designed to end this situation by calling "for an end to any provocative action by whomsoever committed in and around the safe areas."[89] The requirements contained in Resolution 913 eventually led UNPROFOR Commander Rose, in September 1994, to request NATO air strikes against the Muslims who were trying to weaken the Bosnian Serb's seige of Sarajevo.[90] However, this was an idle threat because NATO's declarations over air strikes had singled out the Bosnian Serbs.[91] Moreover, UNPROFOR knew that NATO would only attack Muslim forces if they were directing fire at UNPROFOR.[92]

In June 1995, Sarajevo, the most important safe-area, was reinforced with the arrival of part of the Rapid Reaction Force (RRF).[93] The Security Council authorized the creation of a RRF comprised of 12,500 troops from Britain, France, and the Netherlands.[94] However, the impetus of the creation of the RRF was not to protect the safe areas but to protect the peacekeepers. In May 1995, several hundred peacekeepers had been taken hostage by the Bosnian Serbs and the Security Council responded with the deployment of a RRF with the following mandate: "emergency actions/ responses to assist isolated or threatened United Nations units; helping redeployment of elements of UNPROFOR; and facilitating freedom of movement where necessary."[95]

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[88] S/1994/300, 16 March 1994.

[89] S/Res/913, 22 April 1994.

[90] The Calgary Herald (Sept 20, 1994): A3.

[91] NATO, Press Release 94/32 (April 22, 1994).

[92] Confidential interview, New York, Nov 8, 1994.

[93] The Globe and Mail (July 25, 1995): A7.

[94] S/Res/998, 16 June 1995.

In July 1995, the utter weakness of the safe area concept was finally exposed when Srebrenica and Zepa were overrun by Bosnian Serb forces. It is estimated that, from Srebrenica alone, at least 5,000 civilians were killed, while another 5,000 ended up in a detention centre at Brantunac (nine miles outside of Srebrenica).[96] In addition, almost 60,000 refugees from the two cities were forced to flee to Tuzla. A subsequent UN investigation would conclude that "Bosnian Serb soldiers committed substantial violations of international humanitarian law following the fall of Srebrenica, including mass arbitrary detention of civilian men and boys, and summary executions."[97]

UNPROFOR, in particular the Dutch peacekeepers who were assigned to Srebrenica, was heavily criticized for its failure to stop the Bosnian Serbs. However, the blame for the fall of Srebrenica should be spread beyond the 400 peacekeepers who were stationed there. There is no doubt that the Dutch battalion could have done more to save Srebrenica. For example, it could have reacted more quickly to the first instances of Bosnian Serb aggression towards the safe area. However, it is a dubious to assume that 400 peacekeepers, who lacked heavy weapons, could have successfully opposed 1,500 battle-hardened Bosnian Serb veterans supported by tanks. In particular, NATO close air support, which was supposed to be used to protect the peacekeepers, was used only once in a pinprick strike which took out two Bosnian Serb tanks. Following that one mission, the Netherlands Defence Minister Joris Voorhoeve, reacting to Bosnian Serb Commander General Ratco Mladic's ultimatum --- call off NATO, or we will kill all of the peacekeepers --- was forced to request that the air strikes be called off.[98] Therefore, the principal blame for the fall of Srebrenica lies with the implementation of the safe area concept. The safe area concept was built on the idea of deterrence, but as Srebrenica tragically showed, deterrence must be credible to be effective. The UN member states, by refusing to give UNPROFOR the resources to provide a strong deterrent against attacks on the safe areas were simply setting it up for failure. Safe areas were a bluff by the UN and NATO and the Bosnian Serbs called that bluff.

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[95] S/1995/470, Annex, 9 June 1995.

[96] Charles Lane, "Dateline Zagreb: The Fall of Srebrenica" in Nader Mousavizadeh, ed.) The Black Book of Bosnia: The Consequences of Appeasement (New York, 1996): 122-123.

[97] S/1995/755, 30 August 1995.

The fall of Srebrenica did have significant repercussions for the peacekeeping operation. For instance, much diplomatic energy was spent on discussions over the re-fortification of

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[98] The Globe and Mail (July 17, 1995): A1.

Gorazde, the sole remaining Muslim enclave in eastern Bosnia.[99] Instead it was decided to pull-out the remaining peacekeepers gradually. Ironically, the loss of Srebrenica and Zepa, which resulted in the withdrawal of the peacekeepers from those areas, eliminated one of the strongest arguments against the use of greater NATO force. This would pave the way for *Operation Deliberate Force*.

What have been the consequences of this experiment with safe areas/military exclusion zones? First, and most importantly, it did not work. As Srebrenica and Zepa demonstrated, UNPROFOR was unable to prevent the Bosnian Serbs from taking the safe areas. NATO air strikes, whose threat constituted the muscle behind the creation of the safe areas, could not be used without endangering the peacekeepers on the ground. Although some members of the P-5, in particular French President Jacques Chirac, engaged in sabre-rattling, no concrete action was taken to save the enclaves due to an inability to reach a consensus.[100]

Second, while DPKO officials have acknowledged that the relationship between NATO and UNPROFOR generally worked well,[101] NATO officials were not as satisfied.[102] NATO has felt constrained by the "dual-key" system, which required that the UN and UNPROFOR request a NATO air strike.[103] For example, a rift emerged over the notification and number of targets for air strikes. The UN, as a neutral body, must make its decisions transparent, but NATO, as a military alliance, needs the element of surprise. As a European diplomat noted, while UNPROFOR saw air strikes as "educational," NATO saw them as "punitive."[104] On October 31, 1994 an understanding was reached between the two organizations which would grant "general warning," but not "tactical warning of impending air strikes." In addition, "several targets" would be selected for each air strike.[105] Later on, as a result of NATO's failure to protect Srebrenica and Zepa, the UN granted a major concession to NATO. The Secretary-General ceded his veto over air strikes to the UNPROFOR Force commanders. Although formally the UN, through the UNPROFOR Force commanders, maintained a veto, in fact, the move was designed to give NATO more control as the commanders (one British, one French) were alleged to be taking their orders from London and Paris rather than New York.[106]

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[99] The Calgary Herald (Aug 22, 1995): A9.

[100] Russia, in particular, opposed the use of air strikes. The Globe and Mail (July 15, 1995): A1, A7 and The Calgary Herald (July 22, 1995): A1.

[101] Several confidential interviews, New York, Nov 8-16, 1994.

[102] Confidential interviews with member state officials, New York, Nov 8-16, 1994.

Third, the establishment of NATO's military exclusion zone, while supported by New York, went against the advice of

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[103] NATO, Press Statement by the Secretary General (July 25, 1995) and The Globe and Mail (July 25, 1995): A1, A7.

[104] Confidential interview, New York, Nov 15, 1994.

[105] United Nations, Press Release PKO/32 (October 31, 1994).

[106] The Globe and Mail (July 24, 1995): A1, A6.

UNPROFOR.[107] The peacekeepers had consistently argued that "military action means either killing humanitarian programs or killing peacekeepers."[108] The Secretary-General reported that "the use, or threat of the use, of air power" has led the Bosnian Serbs to obstruct the delivery of humanitarian supplies, and UNPROFOR was vulnerable "to being taken hostage and to other forms of harassment."[109] For example, in May 1995, the Bosnian Serbs, in retaliation for a NATO air strike on an ammunition dump in Pale, detained over 300 UNPROFOR troops to use as human shields.[110]

Finally, the use of military exclusion zones has reinforced strains in the West. The vulnerability of UNPROFOR has increased the division between those states with troops on the ground (France, UK, Canada) and the US, which did not. For example, British Defence Minister Malcolm Rifkind, responding to American criticism over air strikes and the lifting of the arms embargo, replied that

> I think when we have thousands of brave British soldiers, some of whom have lost their lives in Bosnia...it ill becomes people in countries who have not provided a single soldier on the ground to make that kind of criticism.[111]

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[107] Confidential interviews with DPKO officials, New York, Nov 8-14, 1994.

[108] New York Times (April 21, 1993): A10.

[109] S/1994/1389, 1 December 1994.

[110] The Globe and Mail (May 29, 1995): A1, A10.

[111] The Globe and Mail (Nov 29, 1994): A6.

These divisions prevented the greater use of air power and were the main reason for the "dual key" system. This has led to a situation where, as *The Washington Post* noted, "NATO has made an organization unwilling to use force the guardian of its ability to use force."[112] There have even been divisions within states depending on whether its officials were connected to NATO or UNPROFOR.[113]

The internal divisions in NATO over the military exclusion zone were echoed by Russian opposition. Russia argued that the military exclusion zone was not UN-authorized but was NATO's own interpretation of Resolution 836.[114] Moscow was upset because it was not consulted before the February 1994 NATO ultimatum, and although the issue was referred to the Security Council the decision was a fait accompli.[115] The West did not take Russia's displeasure lightly. In fact, NATO's "Partnership for Peace," which Russia signed in June 1994, contained explicit provisions for consultations with Russia over security issues. As a Western diplomat commented, NATO would "not repeat the mistake of taking action through the United Nations and on Bosnia without careful prior consultation with the Russians."[116]

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[112] The Washington Post (November 2, 1994): A1.

[113] Confidential interviews with member state officials, New York, Nov 8-16, 1994.

[114] Confidential interviews with DPKO and member state officials, New York, Nov 8-16, 1994.

[115] Cohen: 837-838.

[116] The Guardian (June 21, 1994): 10.

vii) MONITORING THE BOSNIAN FEDERATION CEASE-FIRE

With the February 1994 cease-fire between the Muslim army and the Croatian Defence Council (the Bosnian Croats),[117] which led to the formation of the Bosnian Federation, UNPROFOR was given further tasks. UNPROFOR was mandated to assist the federation by performing the following functions:

1) monitor the cease-fire along the confrontation lines with patrols and observation posts;
2) establish heavy weapons collection sites;
3) monitor the heavy weapons that were not handed over;
4) monitor the exclusion zone to prevent any return of heavy weapons;
5) transport and protect prisoners during exchanges;
6) assist in repairs to utilities.[118]

Since the 1994 agreement, there have been no violations of the cease-fire between the two former adversaries. The UN has taken pride in noting that the "cease-fire has been widely respected and the presence and good offices of UNPROFOR on both sides of the cease-fire line have greatly contributed to stabilizing the situation within the Federation and to building confidence between the two communities."[119] However, it is probably more accurate to say that the Croat-Muslim alliance was built and maintained out of necessity. Each side realized that it had to pool their resources, or at the very least not drain them fighting each other so that they could concentrate on their common enemy: the Bosnian Serbs. This latter view becomes clearer when one considers that the Federation really exists only on paper, and that there are still two separate military and political structures. Herzegovina remains Croat-dominated and outside of the control of the nominal Bosnian Federation government in Sarajevo.

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[117] S/1994/216, 23 February 1994.

[118] S/Res/908, 31 March 1994.

[119] S/1995/444, 30 May 1995.

viii) UNPROFOR's WITHDRAWAL

UNPROFOR officially ended on December 20, 1995 when it transferred its authority to the NATO Implementation Force (IFOR).[120] However, UNPROFOR's role as a peacekeeping operation probably ended much earlier than that. It could be argued that the UNPROFOR operation really ended when NATO's *Operation Deliberate Force* was launched on August 29, 1995. For several weeks, NATO used its superior air power to target Bosnian Serb ammunition and fuel depots, radar and communications sites, and command posts across Bosnia. The use of these disproportionate air strikes was a clear move away from peacekeeping and towards peace enforcement.

A differing view was that UNPROFOR's role had ended in the aftermath of the May 1995 hostage crisis.[121] This is when UNPROFOR started to remove its lightly armed peacekeepers from vulnerable areas in Bosnia and the subsequent arrival of the more heavily armed RRF. It was during this time that control over NATO air strikes was also handed over from the UN Secretariat to the

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[120] S/1995/1050, 20 December 1995. UNPROFOR continues to maintain a small team which liaises with IFOR.

[121] The analysis that follows in the rest of this paragraph was offered during a confidential interview with an UNPROFOR General, private e-mail message, Jan 23, 1996.

UNPROFOR Force Commanders. NATO had been training for months preparing for their mission and all that was missing was an excuse to begin. This was provided when the Bosnian Serbs launched a mortar attack on Sarajevo on August 28. The reason that the operation did not begin following the fall of Srebrenica and Zepa is because the logistics had not been finalized. What Srebrenica and Zepa did do, however, was guarantee that disproportionate air strikes would be used, the only question was when.

NATO's air attacks did achieve the desired objective of, in the words of a Western diplomat, "bomb[ing the Bosnian Serbs] to the negotiating table."[122] This was realized when the Bosnian Serbs agreed to a list of NATO demands in exchange for an ending of the air strikes on September 14. This was quickly followed by the signing of the Geneva Declarations of Principles by the Bosnian Federation, the Republic of Croatia, the Republic of Serbia, and the Bosnian Serbs. This interim agreement led to intense high-level peace negotiations, brokered by the US, which culminated in the Dayton Peace Agreement of November 21.[123] Integral to the Dayton Agreement was the decision to implement it with 60,000 NATO troops, a third of which would be American.[124] With the transfer of power from UNPROFOR to IFOR in December 1995, the peacekeeping operation had come to a close.

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[122] The Globe and Mail (Aug 31, 1995): A1.

[123] A/50/790 - S/1995/999, 21 November 1995.

[124] S/Res/1031, 15 December 1995.

ix) SUMMARY

In sum, an examination of the evolution of UNPROFOR reveals several themes. First, there was no logical progression of UNPROFOR's mandate. The Western powers were divided over how to respond to the Bosnian conflict so the creation and evolution of UNPROFOR has been reactive. The only thing that the Americans and the Europeans could agree on was a humanitarian mandate. Originally this meant ensuring the delivery of humanitarian supplies but a series of atrocities forced the Security Council to take stronger action to include banning military flights and protecting safe areas.

The second theme has been the demonization of the Bosnian Serbs. Although the Muslims have argued that the UN has conveyed the image of "evenhandedness," no matter the scale of atrocities committed by each side,[125] the fact is, the Security Council consistently blamed either the Bosnian Serbs, or the Bosnian Croats for the conflict. NATO's creation of the military exclusion zone, to take one example, shows the deliberate targeting of the Bosnian Serbs. As will be discussed in detail later, this behaviour, while appropriate for enforcement operations, was unacceptable for peacekeeping.

Finally, the debate over the Bosnian conflict has fluctuated between a full-scale international intervention on behalf of the Muslims, or a complete withdrawal from Bosnia. Yet, until *Operation Deliberate Force*, the Security Council was not prepared to either "go" or "leave" and instead it took the half measure of using a peacekeeping force to undertake humanitarian functions. Moreover, while the Security Council was prepared to authorize increasingly dangerous functions for UNPROFOR, it was unable to ensure that it was supplied with sufficient resources. This was most obvious in its failure to supply UNPROFOR with enough troops to protect the safe areas as even the "light option" took over a year to arrive.

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[125] S/1994/615, 25 May 1994.

ASSESSING UNPROFOR's EFFECTIVENESS

i) MANDATE PERFORMANCE

Now that UNPROFOR has finished its operation and withdrawn from Bosnia, it is possible to assess its performance. The first indicator was whether UNPROFOR effectively performed its mandate. UNPROFOR was to re-open and operate the Sarajevo airport. The Secretary-General noted that "this mandate has been and continues to be effectively fulfilled."[126] Although UNPROFOR was unable to verify the withdrawal of anti-aircraft weapons systems and monitor the concentration of heavy weapons, this was accomplished in February 1994 under pressure from NATO. Between July 3, 1992, when the airport was re-opened and May 30, 1995, more than 150,000 tons of humanitarian relief was delivered.[127] Nevertheless, the airport was subject to frequent closure due to attacks, and even threats of attacks by the Bosnian Serbs and to a lesser degree the Muslims. Although some aid was able to get through, it was not done on a regular schedule because UNPROFOR was unable to guarantee that the airport would always stay open. This has meant that in several serious instances the food supplies in Sarajevo had dwindled to precarious levels.[128] Thus, UNPROFOR can be seen as only moderately effective in re-opening and operating the Sarajevo airport.

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[126] S/1994/300, 16 March 1994.

[127] S/1995/444, 30 May 1995.

Second, UNPROFOR was to protect humanitarian convoys. For the most part, UNPROFOR has been unable to prevent attacks on the convoys it was supposed to protect.[129] Attacks on the convoys have been conducted largely, but not exclusively, by the Bosnian Serbs. The UN contends that, despite UNPROFOR's presence, there was "deliberate targeting of vehicles and personnel" by military and paramilitary forces. Moreover, some parts of Bosnia, like Gorazde, Maglaj, and Mostar were "severely restricted by obstruction."[130] Although humanitarian shipments were getting through to central Bosnia, thanks to the Bosnian Croat-Muslim Federation, the Bosnian Serbs had "significantly and frequently restricted convoy movements" in the parts of Bosnia that they controlled.[131] For example, Bihac, in the western part of Bosnia on the border with Croatia, had experienced periodic blockades by Bosnian Serbs,

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[128] The Calgary Herald (May 16, 1995): A3 and S/1995/444, 30 May 1995.

[129] "Bosnia: The soft option" in Life, Death and Aid: 89-96.

[130] S/26470, 20 September 1993 and S/1994/300, 16 March 1994.

[131] S/1994/1067, 17 September 1994.

Krajina Serbs, and Muslim rebels, which had stopped food shipments from reaching the city.[132] The Bosnian Serbs were essentially able to impede humanitarian deliveries whenever they desired.[133] Even when aid did get through, there were fears that it was simply "feeding the armies." It has been estimated that "at least one third of all aid was ending up with the various armed forces in Bosnia."[134] Thus, not only was UNPROFOR unable to assist Bosnia's suffering civilians but it was aiding the armies, which allowed them to continue fighting.

Third, UNPROFOR was to monitor and, with the support of NATO, enforce the no-fly-zone in Bosnia. Between Oct 1992 and March 1993, before NATO's entrance, UNPROFOR was unable to enforce the no-fly-zone as there were 540 reported violations. However, following the adoption of Resolution 816 and the use of NATO aircraft, there was only one incident of combat aircraft violating the ban. Violations continue but these have been primarily transport helicopters delivering troops to the front, rather than bombing raids. In sum, UNPROFOR, on its own, lacked the ability to enforce the no-fly-zone but when they could rely on NATO support, Bosnian airspace became free of non-authorized combat flights.[135]

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[132] The Globe and Mail (Feb 14, 1995): A10 and The Globe and Mail (July 28, 1995): A7.

[133] S/1994/1067, 17 September 1994 and S/1995/444, 30 May 1995.

[134] James Gow, "Towards a settlement in Bosnia: the military dimension" The World Today (May 1994): 98 and S/1995/444, 30 May 1995.

[135] S/1995/444, 30 May 1995.

Fourth, UNPROFOR was responsible for protecting UN-defined safe areas in Bosnia. This ranks as UNPROFOR's biggest failure, because two of the six safe areas fell to the Bosnian Serbs. Even before the fall of Srebrenica and Zepa, the Secretary-General admitted that UNPROFOR has "found itself in a situation where many safe areas were not safe."[136] Even NATO's military exclusion zones of Sarajevo and Gorazde were not safe. Although the civilians in these cities were protected from heavy weapon fire, due to harassment of the convoys along the routes into the cities, adequate humanitarian supplies were prevented from entering. Sarajevo, despite the pullout of heavy weapons, remained a frequent target for snipers. Finally, in all of the safe areas the living conditions were appalling with massive shortages of food, electricity, running water, and all other necessities of life.

The fate of Bosnia's safe areas illustrated that air power was not the panacea that its advocates believed. In fact, as the Secretary-General noted, "the use or threat of use of air power in support of the safe areas has interrupted the delivery of humanitarian assistance through areas controlled by the Bosnian Serbs."[137] Technical constraints also limited the effectiveness of air power. In Bihac, NATO found that through heavy weapon mobility, surface-to-air missiles, and blocking UNPROFOR's freedom of movement (essential for identifying targets) the Bosnian Serbs were able to thwart the safe area concept.[138] The West had relied on NATO air support to enforce the safe areas because it did not want to commit a sufficient number of ground troops but this approach did not work.

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[136] S/1994/555, 9 May 1994.

[137] Ibid.

Operation Deliberate Force showed that under the right conditions air power could be effective. The UN had taken several steps to set the stage for the NATO air campaign in Aug-Sept 1995. First, it limited the vulnerability of its peacekeepers by removing them from Bosnian Serb territory. Second, it brought in the RRF which assisted NATO's air force with support on the ground. Third, it gave the go-ahead for disproportionate air attacks, rather than using the pre-announced pinprick strikes which had been the norm. By taking the restraints off NATO's use of air power, its effectiveness significantly increased. However, this was not peacekeeping. This demonstrated that the Bosnian conflict was not the right situation for a peacekeeping operation and that it called for something stronger, like peace enforcement.

Finally, UNPROFOR was to monitor the cease-fire contained in the Bosnian Federation agreement. UNPROFOR was effective in this regard. The cease-fire held and confidence between the former combatants has increased, allowing the Federation to grow.[139] There remain questions concerning the Federation's long term stability because several aspects of the agreement have failed to be implemented.[140] Overall, however, tensions between the Bosnian Croats and the Muslims have eased considerably since their 1993 war.

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[138] S/1994/1389, 1 December 1994.

[139] S/1995/222, 22 March 1995.

After examining each component of the mandate, it can be concluded that UNPROFOR was moderately effective in performing its mandate. On the positive side, both the flight ban and the Muslim-Bosnian Croat cease-fire were largely respected. However, the Sarajevo airport was subject to frequent closures and humanitarian aid was regularly unable to reach its intended targets. Finally, the safe areas constituted UNPROFOR's most serious mandate failure. The former Muslim Ambassador to the UN Muhamed Sacirbey rightly referred to the Security Council designation of Sarajevo and other cities as safe areas as "Orwellian."[141]

ii) FACILITATING CONFLICT RESOLUTION

The second indicator of operational effectiveness was facilitating conflict resolution. A peace agreement was signed by the combatants in Dayton on November 10, 1995, but UNPROFOR's role was limited. It was the combination of NATO air power and US political power that led to the signing of the peace agreement. Nevertheless, some Western diplomats and DPKO officials have argued that UNPROFOR was "invaluable" to the continuation of political negotiations in Bosnia by its efforts to constrain the fighting.[142] As one DPKO official argued, "without UNPROFOR there would be no agreement to reach. Everyone would have died in the fighting."[143] However, there is a contrary position held by the Bosnian Muslims and their supporters which states that UNPROFOR's presence prevented an earlier resolution of the conflict and, instead, helped preserve the status quo.[144]

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[140] S/1995/987, 23 November 1995.

[141] Republic of Bosnia and Herzegovina, Ambassador and Permanent Representative to the UN, Muhamed Sacirbey, Statement (June 4, 1993).

This less favourable view of UNPROFOR's ability to facilitate conflict resolution in Bosnia is probably the more accurate of the two. UNPROFOR was deployed in Bosnia for almost four years but a peace agreement was only reached when the mission was, for all intents and purposes, taken out of their hands. For example, the deployment of the RRF in June 1995 was an important development to the success of the Aug-Sept 1995 NATO air campaign. However, its command and control, while nominally held by the UN, was in the hands of its contributors (Britain, France, and the Netherlands).[145] In short, a Bosnia peace agreement was reached, but only after the peacekeeping operation had ended and the limited peace enforcement operation was initiated. As Michael Wesley has concluded, UNPROFOR was "worse than ineffectual" they acted "as impediments to the termination of the conflict."[146]

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[142] Confidential interviews, New York, Nov 8-16, 1994.

[143] Confidential interview, New York, Nov 14, 1994.

[144] Confidential interview with Muslim officials, New York, Nov 15, 1994.

[145] Confidential interview, UNPROFOR General, private e-mail message, Jan 23, 1996.

iii) CONFLICT CONTAINMENT

Was UNPROFOR effective at containing the conflict? There was a great fear in many of the Western capitals that the fighting in Bosnia could spread throughout the region and, so far, this has not transpired. The conflict has remained exclusively in Bosnia. Much of the credit is due to UNPROFOR. Military experts state that without the constraining presence of UNPROFOR, the Bosnian Serbs would have captured all of Bosnia.[147] This result could have led to either the spread of the war through the rest of the Balkans or through Croatian intervention. Either of these consequences could have led to a larger war, possibly involving regional or great power intervention. Therefore, it could be argued that UNPROFOR, because "it would not allow the Bosnian government to lose the war,"[148] played a useful role in containing the Bosnian conflict.

However, if one looks at UNPROFOR in a different light, a different conclusion can be reached. This is because one of the reasons for establishing UNPROFOR was so that the Western Europeans and the Americans would not have to commit vast numbers of troops to the Balkans. Yet, there are now 60,000 NATO troops stationed in Bosnia to implement the Dayton Agreement. In other words, NATO members, through *Operation Deliberate Force*, the RRF, and IFOR, have been forced to intervene into the Bosnian conflict. It is for this reason that UNPROFOR must be considered to have been ineffective at containing the Bosnian conflict.

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[146] Michael Wesley, "Blue Berets or Blindfolds? Peacekeeping and the Hostage Effect" International Peacekeeping 2/4 (Winter 1995): 458.

[147] Confidential interviews with member state military attaches, New York, Nov 8-16, 1994.

[148] The Economist (Sept 2, 1995): 17.

iv) LIMITING CASUALTIES

The final indicator of operational effectiveness is whether the peacekeepers limited casualties. While UNPROFOR was moderately effective at limiting factional fighting and protecting Bosnian civilians from shelling and sniper fire, this was significantly outweighed by its ineffectiveness in two other respects. First was the fact that 115 UNPROFOR personnel died in Bosnia.[149] In additon to the high total of peacekeeper fatalities, which ranked UNPROFOR as one of the most costly peacekeeping operation ever, was the fact that they were frequently taken hostage by the Bosnian Serbs. The images of peacekeepers blindfolded and chained to a post "touched a sensitive nerve among home publics" and led to demands to bring the troops home.[150] The UN's experience in Bosnia illustrated that peacekeepers do not necessarily have to die to have a negative impact on public opinion back home but that it can also extend to situations where the peacekeepers have been put in humiliating positions.

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[149] The breakdown of fatalities were: 51 war casualties, 36 traffic accidents, and 28 other. S/1995/987, 23 November 1995.

[150] Wesley: 475.

Much more damaging to UNPROFOR's objective of limiting casualties in Bosnia than the deaths of its own forces was the widespread ethnic cleansing that took place during UNPROFOR's tenure. Ethnic cleansing had begun in Bosnia with the start of the war in April 1992. However, UNPROFOR did not arrive in Sarajevo until mid-May 1992 and it did not have a mandate for the rest of the country until September. Nevertheless, in the four years of UNPROFOR's deployment, ethnic cleansing and systematic rape continued, mass graves were discovered, and concentration camps were being operated.

An examination of Prijedor, a district in north-western Bosnia, offers a glimpse on the impact of ethnic cleansing.[151] Prijedor's population in early April 1992 was approximately 120,000, but by June 1993 it had decreased to 68,000. Of the 52,000 people killed or deported, over 43,000 of them were Muslim. As the Commission of Experts created by the UN to investigate possible war crimes in the former Yugoslavia concluded, "it is unquestionable that the crimes in Opstina Prijedor since 30 April 1992 qualify as crimes against humanity. Furthermore, it is likely to be confirmed in court under due process of law that these events constitute genocide."[152]

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[151] All of the following figures come from S/1994/674, 27 May 1994.

[152] Ibid.

The ethnic cleansing that took place in Srebrenica after its fall to the Bosnian Serb army provided further painful evidence of UNPROFOR's inability to stop it. In addition, during the Bosnian Croat and Muslim offensive of September 1995 there were acts of ethnic cleansing committed against the Bosnian Serbs.[153] UNPROFOR, just as they had been in response to Bosnian Serb atrocities at Srebrenica, was powerless to prevent them. The extent of the ethnic cleansing that occurred in Bosnia while UNPROFOR was deployed was so extensive, and the loss of life so great, that the only conclusion that can be reached is that UNPROFOR was largely ineffective at limiting casualties in Bosnia.

v) THE OVERALL EFFECTIVENESS OF UNPROFOR

In sum, UNPROFOR was an ineffective peacekeeping operation. The only area where UNPROFOR received even a partial passing grade was in its mandate performance, and even there its inability to protect the safe areas represented a deep stain on its mission. Meanwhile, under every other indicator of operational effectiveness --- facilitating conflict resolution, conflict containment, and limiting casualties --- UNPROFOR was judged to have been ineffectual.

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[153] See: S/1995/987, 23 November 1995; New York Times (Sept 19, 1995): A1, A10; and New York Times (Sept 25, 1995): A3.

EXPLAINING UNPROFOR'S PERFORMANCE

The UN Secretariat has argued that UNPROFOR "has not, of course, ended the war in that strife-torn country, but it has been neither mandated nor equipped to do that."[154] That has been the fundamental reason for UNPROFOR's ineffectual performance. UNPROFOR was deployed as a half-measure because the Security Council members were not initially prepared to commit to a large-scale operation in Bosnia but neither could they ignore the crisis. Thus, a humanitarian peacekeeping operation was created to alleviate civilian suffering while negotiations to end the conflict proceeded. As a Muslim official correctly stated, "the UN redefined the conflict to meet their solution."[155] The underlying truth was that humanitarianism was "used as a palliative, an alibi, an excuse to cover the lack of political will to confront the reality of the war in Bosnia-Herzegovina."[156]

Bosnia was not ripe for a peacekeeping operation because there was no peace to keep, the warring parties were not prepared to stop fighting. Nevertheless, the Security Council, because of a lack of political will, ignored the situation on the ground and warnings from its servants in the Secretariat and dispatched a peacekeeping mission to Bosnia. To make matters worse for UNPROFOR, the Security Council gave them a mandate and strength based on the expectation that the Bosnian parties would provide their consent and cooperation. However, the Security Council had no basis for this assumption because no peace agreement, let alone a general cease-fire, existed between the warring parties. As Rosalyn Higgins has argued, "to seek to establish a UN operation dedicated to ancillary relief --- the provision of humanitarian aid in this case --- without a ceasefire in place is futile."[157] Without a ceasefire, fighting continued unabated, and "the reality is that we have chosen to respond to major unlawful violence, not by stopping that violence, but by trying to provide relief to the suffering. But our choice of policy allows the suffering to continue."[158]

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[154] S/1994/300, 16 March 1994.

[155] Confidential interview, New York, Nov 15, 1994.

[156] Confidential interview, New York, Nov 16, 1994.

LACK OF A COMPREHENSIVE SETTLEMENT AGREEMENT

The strongest piece of evidence that a peacekeeping operation was inappropriate for the Bosnian conflict was the lack of a comprehensive settlement agreement signed by the parties to the conflict. The advantages of a CSA will be discussed more fully in Chapter Seven, but in brief a CSA helps formalize consent to the operation among the parties to the conflict, and provides a clear set of objectives that the peacekeepers will help to implement. However, without a CSA that the peacekeepers could refer to, the UN's strategy was to establish UNPROFOR to alleviate the humanitarian suffering and stabilize the situation while international mediators tried to achieve a political solution amongst the Muslims, Bosnian Croats, and Bosnian Serbs.

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[157] Rosalyn Higgins, "The new United Nations and former Yugoslavia" International Affairs 69 (Summer 1993): 468-470.

[158] Ibid.

This lack of a CSA meant that UNPROFOR had to resort to negotiating *ad hoc* agreements in the field. But an agreement made on the ground was never the final word, because it could be revised if one side decided to violate it with force. The peacekeepers could not point to an overarching agreement to settle disputes. Moreover, threatening to withdraw the peacekeepers was useless because, as will be shown below, neither of the three parties to the conflict, for different reasons, really wanted UNPROFOR in Bosnia.

The following, which is from a UN official describing the process of linkage in negotiations, illustrates the problems of negotiating a peace agreement while the fighting continues:

> the Bosnians would only agree to a cease-fire in Sarajevo if the Croats would allow convoys through to the Mostar. The Croats would link the convoys to the evacuation of wounded from Nova Bila hospital and the Muslims would only agree to that if the Serbs allowed Tuzla airport to be opened. The Serbs would say yes but only if they were given more aid at the expense of the Muslims. It was a circus and of course nothing ever happened --- it was a recipe for operational gridlock.[159]

It is very difficult to negotiate a settlement agreement when a peacekeeping operation is already deployed, because the peacekeepers become an important factor in the negotiations. The UN commanders in the field have direct access to all sides and will be forced to act as diplomats as well as soldiers. This was most evident in Bosnia because of the backwardness of UNPROFOR's creation. For example, the first UN commander in Sarajevo, General Mackenzie, complained that "usually, there is a co-equal political adviser, who acts as the link back to New York to generate political pressure. I didn't have one."[160] Had a CSA existed for Bosnia, there would have been some type of mechanism, such as the Cambodia's Supreme National Council, where external political pressure could be generated.

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[159] Quoted in Misha Glenny, "Hope for Bosnia?" in The New York Review of Books (April 7, 1994): 6. For more information on the problem of linkage in Bosnia see Cedric Thornberry, "Peacekeepers, Humanitarian Aid, and Civil Conflicts" Journal of Humanitarian Assistance [http://www.jha.cam.ac.uk] (Sept 15, 1995).

In short, a comprehensive settlement agreement is indispensable because it clears up most of the questions concerning the operation before the peacekeepers are deployed. This allows the peacekeepers to fulfil the military tasks that they were trained for and not be thrust into the role of political negotiators. This is not to suggest that peacekeepers cannot be good negotiators --- that is a major component of their job description --- but it is much easier on them when a general framework for peace exists. Having an additional military force on the ground before an agreement is reached just adds another party to the conflict. Most importantly, many parts of UNPROFOR's mandate, as the Secretary-General admitted in a discussion over the military exclusion zones, "cannot be maintained indefinitely in the absence of a comprehensive cessation of hostilities."[161]

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[160] Saturday Night (Dec 1992): 108.

[161] S/1994/1067, 17 September 1994.

The utility of a CSA is now being shown in Bosnia. IFOR has been much more effective in Bosnia than UNPROFOR ever was. A large part of that effectiveness is due to IFOR's increased size and strength, its clearer rules of engagement, and the political weight of the great powers that are behind it: necessary conditions which UNPROFOR lacked. Nevertheless, the existence of the Dayton Agreement has undoubtedly made IFOR's task that much easier. First of all, without the signing of the Dayton Agreement, IFOR would never have been deployed to Bosnia. Second, there is less confusion over IFOR's mandate. Third, it illustrates a consensus and political will among the Western powers and Russia that had previously been nonexistent. Thus, it is ironic to note that NATO is now conducting the type of mission that should have been undertaken by the UN, after the UN had failed in a mission that would have been better handled by NATO.

There have been three major consequences which have stemmed from the lack of a comprehensive settlement agreement. When UNPROFOR was established it was with the understanding that it would "operat[e] in accordance with the established principles and practices of United Nations peace-keeping operations."[162] However, throughout the operation, there were frequent contradictions over three of these established principles: consent, impartiality, and limited use of force. A second consequence was that UNPROFOR's mandate was continually expanded and became quite ambiguous.

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[162] S/24540, 10 Sept 1992.

Finally, UNPROFOR was not supplied with a sufficient level of resources for effectively performing its mandate.

i) CONSENT

First, UNPROFOR lacked the consent of the parties to the conflict. For example, UNPROFOR's first presence in Bosnia, as headquarters for the operation in Croatia, was without the consent of the three Bosnian parties. While consent was given for the Sarajevo airport agreement it was not part of a CSA, but rather an *ad hoc* decision that was frequently violated. The official creation of UNPROFOR in September 1992, with the mandate to protect humanitarian convoys, saw only the Bosnian government [Muslims] consent. Although this met the legal definition of consent, it did not meet this study's definition of consent which was outlined in Chapter One. For consent to be legitimate in a civil war context, the UN must acquire the consent of all the major parties. Thus, UNPROFOR also needed consent from the Bosnian Croats and the Bosnian Serbs to be considered a legitimate peacekeeping operation. With the use of Chapter VII provisions to enforce the no-fly-zone in March 1993, the UN may have eliminated the legal requirement, as stated in Article 2 (7) of the UN Charter, for consent, but not the political necessity. If consent to a peacekeeping operation is not granted by *all* the parties to the conflict than it should not be established. This is not to say that no action should be taken --- the option of a UN-authorized peace enforcement operation against the Bosnian Serbs would still exist --- only that peacekeeping should not be attempted without full consent.

Chapter VII peacekeeping was authorized because none of the Bosnian parties really wanted a peacekeeping force in their country. The Muslims wanted international intervention on their behalf to protect them from the Bosnian Serbs and a peacekeeping force, as has been shown, would preclude that option. They did acquiesce to UNPROFOR's deployment, but only because that was the only help that was being offered. The Bosnian Serbs, and to a lesser extent the Bosnian Croats, did not want any international presence to prevent them from acquiring as much territory as possible. The Secretary-General has written that, in May 1995, the "Bosnian Serb leaders have now largely withdrawn their consent and cooperation from UNPROFOR."[163] The fact is, the Bosnian Serbs never formally consented to the peacekeepers, and only through a series of limited agreements, which were subsequently violated, could UNPROFOR possibly even infer consent. The result of this lack of consent was that all of the Bosnian parties were, to varying degrees, opposed to UNPROFOR's presence.[164]

This lack of consent can be shown through the public and private statements of each party. For example, the Bosnian Serb leader Radovan Karadzic has stated that he considered UNPROFOR to be "an occupying power, siding with [their] enemy," which had

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[163] S/1995/444, 30 May 1995.

[164] Also see: Fetherston, et al, "UNPROFOR:" 194-195.

"protected the Muslims from total defeat."[165] The UNHCR also had to admit that the Bosnian Serbs felt that UNPROFOR's mandate was "against their military and political interests."[166] A similar view of UNPROFOR, although obviously for different reasons, was shared by the Muslims. In interviews by the author with officials from the Bosnian mission to the United Nations in the fall of 1994, it was asserted that the Muslims did not want peacekeepers; what they really wanted was a lifting of the arms embargo combined with Western military aid so that they could defeat the Bosnian Serbs.[167] This view has been consistently voiced by senior Muslim officials. For instance, Muhamed Sacirbey, then-Muslim Ambassador to the UN, told the members of the Security Council in June 1993 that "if a choice is to be made between humanitarian relief and self-defence, we have unequivocally told you which option we choose. To ignore the Bosnian people's choice on this matter goes beyond arrogance and seeks to mask the failure to honor responsibility."[168] Two years later, Sacirbey, this time as Foreign Minister, repeated his view of the peacekeeping operation: "I don't think the international community, or certain world leaders get it.

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[165] The Guardian (Oct 12, 1994): 12.

[166] UNHCR, Information Notes on the Former Yugoslavia (Jan 1994): i.

[167] Confidential interviews, Nov 15, 1994, New York.

[168] Republic of Bosnia and Herzegovina, Ambassador and Permanent Representative to the UN, Muhamed Sacirbey, Statement (June 29, 1993).

They think we are begging for [UNPROFOR] to stay. The message is clear....you may leave."[169]

In addition to vocalizing their opposition to UNPROFOR, each party has taken direct action to show their displeasure. For example, UNPROFOR personnel have been the target of sniper fire, mortar shells, and hostage taking.[170] The 51 UNPROFOR soldiers that were killed in fire-fights provides a stark statistic of how the Bosnian parties viewed them. Meanwhile, the Bosnian civilians, who lacked the military resources of their armies, responded in their own way by jeering and throwing rocks at UN Secretary-General Boutros-Ghali when he visited Sarajevo.[171]

Despite deploying without the consent of the Bosnian parties, UNPROFOR was dependent on their "consent and cooperation" to fulfil their mandate. While basic elements of peacekeeping like freedom of movement ostensibly require consent, more dangerous functions like protecting safe areas, absolutely require consent of the parties. Shashi Tharoor, the Special Assistant to the United Nations Under-Secretary-General for Peacekeeping Operations, has noted that the "safe areas and the people inside them, including United Nations peacekeepers, could only be fed, supplied and maintained through Serb territory and with Serb consent."[172] How did the UN expect the Bosnian Serbs to cooperate and consent with UNPROFOR when they did not authorize their deployment in the first place?

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[169] The Calgary Herald (June 28, 1995): A15.

[170] For a concise analysis of the link between a lack of concurrence between the goals of UNPROFOR and the Bosnian Serbs, and the taking of hostages see Wesley: 470-476.

[171] The Globe and Mail (Dec 1, 1994): A1, A9.

ii) IMPARTIALITY

In addition to the contradictions involving the principle of consent there were contradictions concerning UNPROFOR's impartiality. Even the provision of humanitarian aid can be seen by the parties to the conflict as evidence of bias.[173] This was heightened in Bosnia because the primary aid recipients were the Muslims. However, even the recipients of aid believed that the UN was biased against them because they did not use force against the Bosnian Serbs. The UN unwittingly contributed to this problem by calling its operation a Protection Force. This convinced the Muslims that the UN was there to protect them from the Bosnian Serbs. By professing neutrality in the conflict, UNPROFOR was favouring the aggressors. The Muslims believed that UNPROFOR did not distinguish between the level of atrocities committed by each side, and preferred to use the phrase "the warring parties." They were especially critical of comments like that made by former UNPROFOR Commander Mackenzie when he said that "dealing with Bosnia is a little bit like dealing with three serial killers --- one has killed 15, one has killed 10, one has killed five. Do we help the one that's only killed five?"[174]

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[172] Shashi Tharoor, "Should UN Peacekeeping Go `Back to Basics'" <u>Survival</u> 37/4 (Winter 1995-96): 60.

[173] Roberts, "The Crisis in UN Peacekeeping:" 103.

Despite the protestations of the Muslims, it was obvious that UNPROFOR was biased against the Bosnian Serbs. In examining the origins of UNPROFOR, it is obvious that the goal of the Security Council members was to find a way to assist the Muslims, albeit without actually jeopardizing their own troops. A particularly strong signal of UNPROFOR's partiality towards the Muslims was in the twin concepts of safe areas and weapons exclusion zones. This was because the cities designated as safe areas were largely populated by Muslim civilians. Moreover, the initial decision to allow the Muslims to remain armed in the safe areas strengthened the Bosnian Serbs resentment towards UNPROFOR. This became especially evident when the Muslim army started to use the safe areas to attack Bosnian Serb positions. Although this gap was eventually filled, the damage to UNPROFOR's already shaky credibility had been done. The UN eventually recognized that it did not act impartially in Bosnia. Boutros-Ghali, commenting on the safe areas, acknowledged that UNPROFOR's "existence appeared to thwart only one army in the conflict, thus jeopardizing UNPROFOR's impartiality."[175] This sentiment was also repeated with respect to the military exclusion zones which had placed "additional strains on UNPROFOR as an impartial force."[176]

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[174] Quoted in Gutman: 169.

[175] S/1994/555, 9 May 1994.

[176] S/1994/1067, 17 September 1994.

Two points need to be raised about Boutros-Ghali's comments. First, his use of the terms "appeared" and "jeopardizing" indicated that he believed UNPROFOR's intentions were always impartial, but that certain actions had caused the Bosnian Serbs to feel otherwise. However, the Bosnian Serbs were under no such illusion; they were convinced that UNPROFOR was biased towards the Muslims. This helps to explain why the Bosnian Serbs referred to their UNPROFOR hostages as POWs.[177] Second, even if Boutros-Ghali was correct, he was neglecting the fact that people frequently act on their perceptions as if they were reality. It is for this reason that UN doctrine has always stressed the importance of being impartial with maintaining the appearance of impartiality.[178]

Final evidence of the UN's bias against the Bosnian Serbs was its decision to authorize NATO to enforce its resolutions. At a NATO Foreign Minister's meeting in December 1992, NATO's view that the "primary responsibility for the conflict in Bosnia-Herzegovina lies with the present leadership of Serbia and of the Bosnian Serbs" was clearly articulated.[179] In accepting the UN's request for air support, NATO reiterated this view. Compare NATO's response to non-compliance by the Muslims, "the Government of Bosnia-Herzegovina [Muslims]" is called upon "not to undertake offensive military action from within the safe areas of Gorazde," with that of the Bosnian Serbs, "CINCSOUTH is authorized to conduct air strikes against Bosnian Serb heavy weapons."[180] NATO's action in Bosnia underscored their rhetoric, because "in all cases air power was used against Bosnian Serb targets or targets in Serb-controlled parts of Croatia that had been operating in support of the Bosnian Serbs."[181] By the time *Operation Deliberate Force* was initiated, it was clear that NATO was favouring the Muslims. Not only were the Bosnian Serbs the only side being hit by NATO forces, but as former UNPROFOR Commander Mackenzie told a US Congressional Committee, the "air strikes meshed very well tactically with [Muslim] army offensives."[182] Even if NATO was not directly aiding the Muslim army on the battlefield, its air strikes "involved a form of co-belligerence with them."[183]

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[177] Maclean's (Dec 12, 1994): 28-32.

[178] The Blue Helmets: 6.

[179] NATO, Statement on Former Yugoslavia (December 17, 1992).

Could the Bosnian Serbs differentiate NATO's actions from UNPROFOR's? The UN Secretary-General does not think so. Boutros-Ghali has stated that "using force against only one party, whether directly or through regional arrangements, alters that party's perception of the neutrality of UNPROFOR."[184] In short, the UN, by authorizing NATO --- which it knew was partial towards the Muslims --- to use force on behalf of UNPROFOR, must take full responsibility for any actions that led to a loss of impartiality in the conflict.

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[180] NATO, Press Release 94/31 (April 22, 1994).

[181] S/1995/444, 30 May 1995.

[182] "Politics," CBC Newsworld, Oct 17, 1995.

[183] Roberts, "From San Francisco to Sarajevo:" 23.

[184] S/1995/444, 30 May 1995.

iii) LIMITED USE OF FORCE

UNPROFOR, with the use of NATO air power, also contradicted its limited use of force principle. The use of NATO air strikes either in practice, as in Gorazde, or as a threat, as in Sarajevo, resulted in an escalation of the level of force. This had the effect of making UNPROFOR a party to the conflict. Singling out the Bosnian Serbs with condemnations and even economic sanctions is one thing; bringing in additional force is something totally different. It moves the conflict into a new realm, one where military power becomes the determining factor. Since "the more force is used on behalf of the UN, the more central the role of individual states becomes,"[185] this meant that a greater deal of consensus and co-ordination among the UN member states was required. Yet the UN wanted to keep the illusion that UNPROFOR, despite possessing Chapter VII powers, was only a peacekeeping force.[186]

The major contradictory element in UNPROFOR's use of force was that while the Security Council had given it more authorization to use force it had not given it the means with which to use force effectively. This meant that the safety of UNPROFOR personnel was put at risk any time that force was used. This was best seen with regards to NATO air strikes. NATO may have controlled the skies, but the Bosnian armies controlled the ground.

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[185] Roberts, "From San Francisco to Sarajevo:" 24.

[186] Boutros-Ghali does allow that there has been "some confusion" due to references to Chapter VII in several Security Council resolutions. S/1995/444, 30 May 1995.

UNPROFOR was especially vulnerable because, like all peacekeeping forces, it was lightly armed. Thus, if the Bosnian Serbs, who were the victims of NATO's attacks, decided to retaliate against the peacekeepers, UNPROFOR would have trouble defending themselves. The hostage crisis in May 1995, when the Bosnian Serbs captured hundreds of lightly, and even unarmed, peacekeepers illustrated this vulnerability. Although the deployment of the more heavily armed RRF was designed to protect UNPROFOR troops, it actually put some of them at greater risk. This was because the UN raised the level of force but many of its peacekeepers remained in isolated areas of Bosnia, making them easy targets for Bosnian Serb retribution. This gap in the logic of force was successfully exploited by the Bosnian Serbs during their sack of Srebrenica when NATO close air support was useless in protecting the peacekeepers.

Some critics have argued that the vulnerability of the peacekeepers was a deliberate tactic. For example, Rieff has suggested that the "very real fears for the safety of their troops --- the source of much of the opposition to intervention within many Western defence ministries --- made the job of continuing to reject either military intervention or the lifting of the arms embargo easier."[187] There may be a grain of truth in Rieff's position because *Operation Deliberate Force* only commenced when UNPROFOR's vulnerability had been mitigated. However, to suggest that the British and French would put their soldiers in vulnerable positions and accept the casualties that would inevitably occur, is a bit too Machiavellian. A more convincing explanation is that an essential aspect of peacekeeping is that its "influence over belligerents currently or formerly at war arises from [its] position as vulnerable and transparent connecting agents between the international community and the belligerents."[188]

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[187] David Rieff, "Accomplice to Genocide" Balkan War Report 28 (Sept 1994): 36.

As a result of these contradictions in UNPROFOR's use of force, it usually chose negotiation over force. Although one reason for this was, as General Mackenzie asserted, because using greater force to ensure the delivery of humanitarian aid "would be useless because what do you do when women and children block the roads? They are the ones who are stopping the aid going through now."[189] However, the principal reason that UNPROFOR refrained from using force was because its lack of troops and equipment left it no other choice. One example was UNPROFOR's failure to utilize force in the protection of UN-designated safe areas. The Secretary-General acknowledged that "UNPROFOR's protection role is derived from its mere presence: UNPROFOR is neither structured nor equipped for combat and has never had sufficient resources, even with air support, to defend the safe areas against a deliberate attack or to hold ground."[190] However, by even passing this resolution, the Security Council raised expectations among the Bosnian civilians that UNPROFOR would actually use force to accomplish its objectives. When this was not forthcoming, UNPROFOR's credibility and legitimacy were destroyed. Thus, the Security Council should be criticized for passing resolutions without also ensuring that they could be enforced. As former UNPROFOR Commander Lt.Gen Francis Briquement complained: "I don't read the Security Council resolutions any more because they don't help me. There is a fantastic gap between the resolutions of the Security Council, the will to execute those resolutions and the means available to commanders in the field."[191]

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[188] Wesley: 459.

[189] Edmonton Journal (Feb 10, 1994): A5.

[190] S/1994/555, 9 May 1994.

iv) MANDATE

The problems with UNPROFOR's mandate were exacerbated by the Security Council's constant expansion of it. UNPROFOR's initial mandate was to assist in the delivery of humanitarian supplies, but gradually UNPROFOR was asked to enforce no-fly-zones and protect safe areas. According to a report by the Secretary-General, the consequences of UNPROFOR's mandate expansion have been:

> a) Several of the newer tasks have placed UNPROFOR in a position of thwarting the military objectives of one party [Bosnian Serbs] and therefore compromising its impartiality, which remains the key to its effectiveness in fulfilling its humanitarian responsibilities;
> b) As a result of the changed perception of its impartiality, the Force has suffered increased incidents of obstruction and harassment, particularly by the Bosnian Serb and Bosnian Croat parties, in its attempts to discharge its humanitarian responsibilities;
> c) The new tasks require resources that have not been provided expeditiously by the international community. For instance, despite the

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[191] Edmonton Journal (Dec 31, 1993): A5.

> authorization by the Security Council of 7,600 troops for the safe areas in its resolution 844 (1993) of 18 June 1993, only 5,000 had arrived in the theatre as of 10 March 1994.[192]

This constant expansion made UNPROFOR's mandate appear ambiguous. One example was in UNPROFOR's protection of Bosnia's safe areas. Was UNPROFOR to defend the geographical territory of the safe area, or was it to protect the civilians populating the safe areas? The UN stated that "the intention of the safe areas is primarily to protect people and not to defend territory and that protection by UNPROFOR of these areas is not intended to make it a party to the conflict."[193] However, this definition of UNPROFOR's mandate caused confusion on the ground. The Muslims, in particular, were confused because they believed that the purpose of the safe areas was to ensure that they did not fall into the hands of the Bosnian Serbs. This was a reasonable assumption given that the safe areas were populated by the Muslims. Therefore, they were dismayed when UNPROFOR, citing their mandate to demilitarize the safe areas, asked the Muslim army to disarm. This conceptual confusion regarding the safe areas was exacerbated by the fact that UNPROFOR lacked the ability to protect the safe areas themselves. As Lane has pointed out, "the implicit message to the Bosnians was: we *cannot* defend the safe area, and you *may* not defend it."[194] The deployment of the RRF in Spring 1995 only added to this confusion because it was sent to protect UNPROFOR, not Bosnian civilians.

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[192] S/1994/300, 16 March 1994.

[193] S/1994/1389, 1 December 1994.

[194] Lane: 121.

v) RESOURCES

Finally, UNPROFOR was not supplied with the resources to implement the mandate that it was given. UNPROFOR was handicapped, even before its formal creation, by troop and equipment shortages, and deployment delays. As has been identified throughout this chapter, this was due to a lack of commitment by the great powers to put their own troops at risk. The best example of the gap between Security Council resolution and UNPROFOR capability was in its mandate to protect the safe areas. When the safe areas concept was first brought to the attention of the Secretary-General, he recommended an additional 34,000 troops to ensure their protection. However, he also suggested a "light option" of 7,600, but that was based on the full consent and cooperation of the parties.[195] Needless to say, the Security Council decided to grant UNPROFOR only 5,000 troops and was supplied with neither the consent nor the cooperation of the Bosnian parties. The remaining 2,600 troops took another year to arrive in Bosnia.

This gap between resolutions and resources was maddening to the UN Secretariat. Eventually this led Kofi Annan, the UN under-secretary for peacekeeping, to lash out, saying that "it is absolutely unfair when member states do not want to take the risks, when they do not want to commit the resources, but blame the UN for failure to act."[196]

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[195] S/25939, 14 June 1993.

CONCLUSION

UNPROFOR was simply the wrong tool for the job. Its mandate was to alleviate the suffering of Bosnia's civilians while UN/EU diplomats tried to negotiate a political solution. However there was no CSA among the Muslims, the Bosnian Croats, and the Bosnian Serbs. Without that type of agreement, UNPROFOR lacked the consent of the parties and this led to subsequent contradictions with its impartiality and limited use of force guidelines. The lack of a clear plan for the peacekeepers meant that their mandate was constantly revised. Moreover, this expansion resulted in a gap between Security Council resolutions and UNPROFOR's resources to implement those resolutions.

The dire humanitarian situation in Bosnia may have required military action but sending peacekeepers was not the right response. If force was the answer to the Bosnian conflict it should have been through a large, well-armed, multinational, peace enforcement unit, not a Chapter VII peacekeeping operation, which is a contradiction in terms. A peace enforcement unit, similiar to the one used in the Gulf War, need not worry about consent, impartiality, or limited use of force; it simply does the job with all means necessary. The Bosnian conflict was not designed for a peacekeeping operation and the experience of UNPROFOR is witness to that fact. UNPROFOR was sent to Bosnia because the great powers could not agree on any other course of action. They could not ignore the conflict but they were also unwilling to do anything about it. Lord Carrington, a former Chair of the ICFY, said it best when he stated that, "to stand in the middle and be impotent as the UN and NATO are at the present time is the very worst of all possible worlds and incidently has brought both the UN and NATO into disrepute and has not helped anybody in Yugoslavia."[197]

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[196] The Globe and Mail (Nov 29, 1994): A6.

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[197] The Globe and Mail (Nov 29, 1994): A9.

CHAPTER SEVEN

EXPLAINING THE PERFORMANCE OF UN PEACEKEEPING IN INTERNAL CONFLICTS

Why has there been such a wide range of results from peacekeeping operations in internal conflicts? Since 1988, there have been effective operations (Namibia, El Salvador, Cambodia, and the second operation in Haiti), moderately effective ones (Kuwait and the second operation in Rwanda), and operations which have been largely ineffectual (Somalia, Bosnia, and the first operation in Rwanda). What have been the factors which have led to such divergent results? Is it simply the fault of the peacekeepers; something that could be changed through UN reform? Is it a more fundamental cause linked to the national interests of the member states which comprise the UN? Or is operational effectiveness dependent solely upon the parties to the conflict? The purpose of this chapter is to account for the varied performance of UN peacekeepers in internal conflicts by providing a comprehensive explanation which will identify, and weigh, the various factors that have influenced UN peacekeeping operations. While the basis for this explanation will be the preceding analysis of the Cambodian, Somali, and Bosnian cases, corroborating evidence will be gleaned from other recent peacekeeping operations in internal conflicts.

Before preceding with a general explanation of the effectiveness of peacekeeping operations in internal conflicts, it is necessary to reintroduce how effectiveness is assessed. In Chapter Three, a set of criteria for assessing the effectiveness of peacekeeping operations was developed. It suggested examining operational effectiveness in four ways: mandate performance, facilitating conflict resolution, conflict containment, and limiting casualties. From this analysis an overall level of operational effectiveness could be derived. There are three distinct levels of operational effectiveness. An effective operation is one which has facilitated a resolution to the conflict. A moderately effective operation occurs when one of the remaining three objectives have been substantially fulfilled. Finally, an ineffective operation would be one which was ineffectual under all four indicators, or if it only had limited effectiveness in one of the measurements.

The structure of this chapter will be based on an analysis of six variables which affect the performance of UN peacekeeping operations in internal conflicts. These variables are: i) the role of the parties to the conflict; ii) the existence of a Comprehensive Settlement Agreement; iii) the role of the five permanent members of the United Nations Security Council; iv) the role of the United States; v) the role of regional powers; and vi) the maintenance of the three traditional principles of peacekeeping: consent, impartiality, and limited use of force.

THE PARTIES TO THE CONFLICT

The most important actors for an effective peacekeeping operation in an internal conflict are the parties to the conflict. It has become a cliche to state, as the UN Secretary-General reports regularly do, that the ultimate responsibility for the resolution of an internal conflict rests with the warring parties. Despite this, the UN has frequently attempted to conduct peacekeeping operations in internal conflicts where their support is non-existent. The result of these experiments has been an ineffective operation. Thus, it is obvious that this basic truth for an effective peacekeeping operation must be reiterated. In particular, the parties to the conflict have two key responsibilities: provide consent to the establishment and mandate of the operation, and co-operate with the peacekeepers.

To ensure the support of the parties to the conflict to the operation, their consent to the deployment of the peacekeeping force is necessary. Consent has not been a guarantee for peacekeeping effectiveness, but the reverse has certainly been true. There are three different levels of consent that the parties to the conflict can grant to a UN peacekeeping operation:

1) Full consent --- all of the parties to the conflict consent to the peacekeeping operation (Cambodia);
2) Legal consent --- only the UN member-state consents to the peacekeeping operation (Bosnia);
3) Non-consent --- none of the parties to the conflict consent to the peacekeeping operation (Somalia).

Only in those cases where full consent has been obtained, which also includes the operations in Namibia, Nicaragua, El Salvador, and Mozambique, has an effective peacekeeping operation taken place. On the other hand, the ineffectiveness of UNOSOM II and UNPROFOR constitutes a warning for operations that proceed with either legal consent or non-consent.

In addition to providing consent, the parties to the conflict can assist operational effectiveness by co-operating with the peacekeeper's mandate. In all three case studies, there was significant resistance to the operation's mandate by at least one of the parties to the conflict: the Khmer Rouge would not disarm, none of the Somali factions would disarm, and the Bosnian Serbs prevented the delivery of humanitarian aid.

Not all local actors are equal. The UN must bring on side any local party that is capable, through its membership, organization, armament, and discipline, of seriously disrupting the operation. In any civil war, many small paramilitary groups and/or common gangs emerge who hope to take advantage of the situation. The cooperation of these groups, who are not a threat to the peace process but are rather a law and order problem, would be beneficial, but not indispensable, to the peacekeeping operation. For example, the lack of co-operation from the USC/SNA was more damaging to UNOSOM II than was that of the various roving gangs who existed throughout Somalia.

Therefore, what distinguishes the effective operation in Cambodia from the ineffectual ones in Somalia and Bosnia, is the difference between co-operation, non-co-operation, and interference. Co-operation is when a party assists the peacekeepers in performing their mandate. Non-co-operation is when a party does not assist the peacekeepers in performing their mandate. Non-co-operation may include attempts at preventing the peacekeepers from fulfilling certain aspects of their mandate, but it does not strike at the heart of the operation. For example, the Khmer Rouge would not allow UNTAC to disarm them, but they did not prevent the election from taking place. In addition, the means employed in non-co-operation are essentially defensive rather than offensive. An example of defensive force occurred when the Khmer Rouge put up a bamboo roadblock, backed up by a resolve to use force, to prevent SGSR Akashi and UNTAC Force Commander Sanderson from inspecting their territory. Had the Khmer Rouge initiated an armed attack on UNTAC to prevent an inspection that would have been offensive force. Therefore, what distinguishes non-co-operation from interference is the extent to which a party prevents the UN from performing its mandate, and the means that are used. For example, the parties to the conflict in Somalia and Bosnia interfered with all aspects of the peacekeeper's mandate and used offensive force to do so. In Somalia, the USC/SNA went to war with UNOSOM II, and in Bosnia, the Bosnian Serbs overran the safe area of Srebrenica.

In sum, the ultimate responsibility for the peaceful resolution of an internal conflict must rest with the parties to the conflict. For a peacekeeping operation to be effective, the warring factions must consent to the operation and co-operate with the peacekeepers. In Cambodia, the parties to the conflict consented to the peacekeeping operation, but did not co-operate with important aspects of UNTAC's mandate. However, they did co-operate, or in the case of the Khmer Rouge did not interfere, with UNTAC's electoral mandate. As a result the operation was effective. Meanwhile, the ineffectual operations in Somalia and Bosnia did not receive the necessary consent and co-operation from the parties to the conflict.

A COMPREHENSIVE SETTLEMENT AGREEMENT

The best indicator of an effective peacekeeping operation is the existence of a CSA which is adhered to by all of the signatories. However, a CSA, in and of itself, is not sufficient. Its value to a peacekeeping operation lies with the elements contained in the agreement. A peacekeeping operation will be more effective if the CSA contains five key conditions. First, it formalizes the consent of the parties to the conflict to the establishment of a peacekeeping operation. Second, it describes the type of co-operation that is required between local powers and peacekeepers. Third, it develops an appropriate consultative mechanism between the UN, the parties to the conflict, and other interested states (both the P-5 and regional powers). Fourth, it reinforces the multilateral peacemaking process that preceded the signing of the CSA. Fifth, it spells out how the conflict will be resolved.

In the three case studies, there was a direct correlation between the existence of a CSA and operational effectiveness. The principal reason for the effective operation in Cambodia was the existence of a detailed peace plan containing the signatures of all of the combatants. Although the Cambodian parties did not comply with significant features of the Paris Accords, none of the parties, including the Khmer Rouge, advocated the abrogation of the

Accords. Ironically, UNTAC was able to use the legitimacy of the Paris Accords against the Cambodian parties that signed it when the election strategy of appealing directly to the Cambodian people was chosen. Meanwhile the operations in Somalia and Bosnia, where there were no CSAs, were ineffectual. This correlation becomes stronger when other operations are examined. The operations which could rely on CSAs (Namibia, El Salvador, Haiti, and Mozambique) were effective, and the operations which could not turn to a CSA (Croatia and Rwanda) were ineffective. Finally, the different levels of effectiveness across cases can be explained by examining the level of adherence that was given to the CSA. For example, the reason that UNTAC was not as effective as ONUSAL and UNTAG was because many parts of the Paris Accords were violated by the signatories.

Temporary cease-fires are no substitute for a CSA. For example, former US President Jimmy Carter was able to negotiate a four month cease-fire in Bosnia in December 1994, but when the agreement ran out the war began again. All the cease-fire accomplished was a brief respite from combat, which the Bosnian armies used to train and prepare to initiate offenses, like overrunning Zepa and Srebrenica, once the agreement ran out. While a CSA will not guarantee a peaceful reconciliation of the civil war, its absence is a very strong indicator that the warring factions are not yet prepared to accept a peaceful settlement of their conflict. This means that the absence of a CSA will also hinder a peacekeeping operation in its other objectives: mandate performance, containing the conflict, and limiting casualties. However, a CSA requires more than a simple desire to stop fighting. It also requires the ability to compromise. As Durch has asserted, "in every instance in which there has been a political settlement, the conflicting parties' objectives have changed from winning *everything* to a more modest objective, winning *something*."[1]

While a CSA clearly aids a peacekeeping operation in its attempt to facilitate conflict resolution, it also helps it to achieve its other objectives. For instance, there are several ways that a CSA assists a peacekeeping operation in the performance of its mandate. First, the tasks required of the peacekeepers are usually spelled out in the CSA. UNTAC's mandate, to give one example, was contained in the annex to the Paris Accords.[2] This helps to remove some of the ambiguities that are frequently found in the mandates of peacekeeping operations. Second, because a CSA helps to solidify consent, there is a greater likelihood that the parties to the conflict will cooperate with the peacekeeper's mandate. Finally, the type of cooperation that is expected of the parties will also be contained in the CSA.

A crucial aspect to the CSA is outlining how the country will be governed prior to the implementation of its resolution device (like elections or partition). In particular, there should be an explicit provision for the creation of a transitional power-sharing body in the CSA. This is because the fundamental cause of internal conflicts is a struggle over sovereignty. Therefore, a power-sharing arrangement, monitored by the UN, needs to exist before a peaceful solution to the conflict can occur. In addition, "these ad hoc, semi-sovereign artificial bodies" can, as Doyle has suggested, "help contain the erosion of consent and even manufacture it where it is missing."[3] Finally, this transitional governance mechanism should also act as a formal consultative body which brings all of the parties to the conflict and the UN into contact on a regular basis. This allows the parties to the conflict to interact with the other relevant actors (the other parties to the conflict, the peacekeepers, and other member states) and to have input into the peacekeeping operation.

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[1] Durch, "The Political-Military Context:" 21.

[2] A/46/608-S/23177, 30 October 1991.

The role that the UN plays in these transitional bodies can vary. According to Chopra,

> different forms of administration can be distinguished. The United Nations may assume exclusive responsibility in an area and administer it as a governor-in-trust, or it may participate in some joint arrangement in which it assumes responsibilities of a transition phase but does not physically conduct all of the tasks of governance. In this case it would exercise varying degrees of authority and either control local authority, enter into a partnership with such an authority, or render it assistance.[4]

The ideal example of such a body was the SNC in Cambodia. The SNC solved the disputed sovereignty question by "enshrining" Cambodian sovereignty in the transitional period leading up to the election. The SNC was comprised of members from all four Cambodian parties and worked closely with UNTAC, which acted as a liaison between the Cambodians and the Core Group.[5] Some critics have argued that the SNC, because of factional differences, did not exercise its decision-making powers.[6] However, the SNC played a critical role in acting as a conduit between the Cambodian parties and the international community. This enabled UNTAC to consult with the SNC when the extent of the non-compliance of the Paris Accords became apparent. The Cambodian parties also saw the utility of the SNC. In fact, the Khmer Rouge, despite boycotting the peace process, remained a member of the SNC.

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[3] Doyle, UNTAC's Civil Mandate: 84.

[4] Jaret Chopra, "UN Civil Governance-In-Trust" in The UN and Civil Wars: 82.

The UN attempted to replicate the SNC model in Somalia through the creation of a Transitional National Council (TNC). The TNC, which would act as the repository of Somali sovereignty through the transitional period, was the centrepiece of the 1993 Addis Ababa Agreement. However, General Aidid's USC/SNA party, despite signing the Addis Ababa Agreement, steadfastly refused to establish the TNC. Although, the UN blamed the failure to create the TNC on the opposition by the USC/SNA,[7] the UN must shoulder its share of the blame as well for quashing a proposed Somali peace agreement.

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[5] DPKO officials commented that Special Representative Akashi's greatest strength was in his liaison work between the SNC and the Core Group. It was at these meetings that UNTAC's election strategy was outlined to the Cambodian parties, and the Khmer Rouge was warned not to disrupt the election. Confidential interview, New York, Nov 14, 1994.

[6] See Peang-Meth: 38 and Findlay: 57-59.

[7] S/1995/231, 28 March 1995.

The failure of the TNC can be traced to the existence of a second document signed at Addis Ababa. When the UN delegation departed Ethiopia following the Agreement of March 27, the Somali representatives remained behind and came to a new arrangement, the Agreement of March 30. This second agreement contained significant changes to the TNC. First, it gave a veto to the Somali factions over the district delegates. Second, no seats were reserved for women on the TNC. Third, a 45-day time-frame for delegation nominations was set which, UN officials believed, was too short to organize genuine elections at the district council level. UNOSOM II argued that these changes went against "the letter and spirit" of the original agreement, and therefore refused to accept it despite the fact that it contained the same Somali signatures as the March 27 agreement did.[8] This decision led to additional disagreements between UNOSOM II and the USC/SNA over the establishment of a new Somali judiciary, which ultimately resulted in the USC/SNA preventing the TNC's formation.[9] In short, the failure to establish the TNC was due not only to inter-clan rivalry and USC/SNA obstinance, but also to UNOSOM II's refusal to accept an agreement which went against the letter and spirit of the previous UN-sanctioned deal.

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[8] S/1994/653, 1 June 1994.

[9] For further information on the rift between UNOSOM II and the USC/SNA, which preceded the "War with Aidid," see the report of the Commission of Inquiry on Somalia. S/1994/653, 1 June 1994: especially pages 16-21.

If in Somalia there was a failed attempt at establishing a transitional governance body comprised of the parties to the conflict, in Bosnia no attempt was made. The decision was made early on that a form of partition, rather than elections, would be the mechanism of conflict resolution in Bosnia. Nevertheless, UNPROFOR would have been more effective had a body been created which allowed the parties to the conflict to interact and decide, with UN involvement, the form that partition would take. This was not even attempted. In fact, there was a division in Bosnia between the peacekeepers on the ground with a humanitarian mandate, and the peace negotiations orchestrated above by the ICFY and the International Contact Group. Although there was some consultation with the Bosnian parties, when the Contact Group finally developed its peace plan it was eventually presented to the Bosnian Serbs as an ultimatum. In response, the Bosnian Serbs left the negotiations and only returned when NATO pounded them with air strikes.

The results in Cambodia, Somalia, and Bosnia illustrate how a transitional governance body can enhance peacekeeping effectiveness. It can temporarily resolve disputes over sovereignty, pending the resolution of the conflict. In addition, it can also solidify the consent of the parties to the conflict to the peacekeeping operation. Finally, a transitional body allows the parties to the conflict to meet on a formal basis with the peacekeepers, and through them, the international community. When additional diplomatic pressure is needed from member states, there is a formal channel to go through thus limiting ambiguities. A consultative body allows the parties to the conflict to air their grievances to the peacekeepers and helps to eliminate misunderstandings.

There are critics of the efficacy of CSAs. Mackinlay argues that faction leaders use peace agreements as "subterfuge" to buy time for the "reinforcement and replenishment" of their forces.[10] For example, the peace agreements in Angola and Liberia soon disintegrated into factional fighting. Nevertheless, a CSA remains the best chance that a peacekeeping operation will be able to facilitate a resolution of an internal conflict. In the Angolan case, a CSA which all sides could accept was eventually arrived at. When the 1991 Bicesse Accord failed in Angola, leading to a severe reduction in the size of UNAVEM II, the UN spent almost two years brokering a new CSA, and in January 1995, they succeeded when the Lusaka Protocol was agreed to.[11] The effectiveness of the new peacekeeping operation for Angola, UNAVEM III, will be tied to its ability to facilitate the implementation of the provisions of the Lusaka Protocol.

The DPKO is also divided over the issue of CSAs. One official stated that without a settlement agreement "you will have guaranteed failure," and therefore, the UN "must be cold-eyed" and only go where there is a chance to be effective.[12] However, another official noted that while "an operation is better with a comprehensive settlement agreement," the UN can still get "pulled in" to a conflict.[13] For instance, if the UN had waited for a CSA in Somalia, "it would not have mattered anymore, because everybody would have been dead."[14] In such situations the peacekeepers should concentrate on fulfilling its other objectives. For example, they could continue to protect humanitarian relief thereby performing their mandate, and in the process, helping to limit casualties. This is what UNOSOM II and UNPROFOR tried to accomplish in Somalia and Bosnia. However, it is also possible that the effectiveness of the peacekeepers in these other areas will be greatly hindered by the consequences of the lack of a CSA. If a cease-fire cannot be maintained, then humanitarian efforts can be disrupted and casualties may occur, not only among the combatants, but also to civilians and peacekeepers.

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[10] John Mackinlay, "Military Responses to Complex Emergencies" in The United Nations and Civil Wars: 53.

[11] When the Lusaka Protocol was signed, the UN established a new peacekeeping operation, UNAVEM III, with 7, 000 troops mandated to implement the agreement.

In sum, the existence of a CSA is a good indicator about whether a peacekeeping operation in an internal conflict will be effective or not. In those cases where a CSA was reached and adhered to, the operation was more effective. In contrast, when the parties to an internal conflict could not agree on a CSA, or when a CSA was violated by the parties, then the peacekeeping operation was ineffectual. The impact of a CSA is obviously present in the ability of a peacekeeping operation to facilitate conflict resolution, but it also helps the operation to achieve its other objectives, most notably the performance of its mandate.

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[12] Confidential interview, New York, Nov 14, 1994.

[13] Confidential Interview, New York, Nov 8, 1994.

[14] Confidential interview, New York, Nov 8, 1994.

THE P-5

For a peacekeeping operation to be effective in an internal conflict it is indispensable that it receive P-5 support. As permanent members of the UN Security Council, no P-5 member can oppose the establishment of a peacekeeping operation. Establishing a peacekeeping operation includes drafting its mandate, allocating troops, and providing the financing. It is the General Assembly which must approve financing for peacekeeping operations, but it is the P-5 who pay the majority of the peacekeeping budget. Therefore, the P-5 possess great influence over the overall cost of an operation. In addition to their institutional role, the P-5 can also determine the effectiveness of a peacekeeping operation by the very nature of their power capabilities. Although Japan and Germany currently wield great financial power, the members of the P-5 possess a combination of financial, military, and political power unlike that of any other states. By their position in the world political system as great powers, the P-5 can either make or break peacekeeping operations.

P-5 support will be assessed using three broad categories. First: the extent to which there is a consensus among the P-5. Second: the level of political commitment that is provided by the P-5 states, individually or collectively, to the operation. Third: the impact that the national interests of the P-5 states have on operational effectiveness.

The first type of support is the existence of a P-5 consensus. There are two ways of assessing P-5 consensus on the issue of peacekeeping. The most obvious indication of P-5 consensus is the establishment of a peacekeeping operation. This is because any P-5 member has the ability to veto the authorization of a peacekeeping operation. This condition has prevented, or at the very least delayed, the creation of several peacekeeping operations. For example, UNAMIR II was delayed because of US obstruction in the Security Council.

Until recently, the nature of internal conflicts has constrained P-5 consensus. Since each of the P-5 members maintain interests in many conflicts, the pursuit of their national interest can lead them to oppose a peaceful resolution of the conflict. This is particularly evident with respect to internal conflicts, because the ultimate objective of the combatants is to gain sovereignty of the country. P-5 states would interfere in the internal conflict to ensure that a "friendly" government assumes power. This was most evident during the Cold War, when almost every civil war saw the US and the USSR supporting different sides in the conflict. Two well-known examples of this type of superpower behaviour were Afghanistan and Nicaragua. Since the end of the Cold War, there has been a reduction in the number of great power disputes over internal conflicts, but clashes still remain. This has led the P-5 occasionally to utilize a system of *quid pro quo* for the establishment of peacekeeping operations in internal conflicts. For example, Russia threatened to veto the peacekeeping operation in Haiti, if it could not lead the peacekeeping operation, with limited UN supervision, in Georgia.[15]

However, simply establishing a peacekeeping operation constitutes only a bare-bones level of consensus. The establishment of a peacekeeping operation may only reveal the lowest common denominator among the P-5. For example, the peacekeeping operation in Bosnia was created because it was the least undesirable option for the P-5. Therefore, it is also important that the P-5 maintain a consensus over how an operation is conducted. The importance of this higher degree of consensus is shown by examining the operations in Cambodia and Bosnia which provide a stark contrast in the level of P-5 consensus.

The P-5 were clearly united in their approach to the Cambodian operation. In fact, it is highly unlikely that UNTAC would have even existed if the US, USSR, and China had not moved beyond their Cold War rivalry in Southeast Asia. This common cause was in evidence during the intensive multilateral negotiations that led to the Paris Accords. For example, it was the P-5's "Framework Document" which became the basis of the Paris Accords. In addition, with the exception of one Chinese abstention,[16] the P-5 voted unanimously on all Security Council resolutions concerning the operation. The importance of the P-5's consensus was revealed when UNTAC was faced with non-compliance with its mandate. UNTAC's decision to forgo its disarmament functions and concentrate on conducting the Cambodian election was strongly supported by all of the members of the P-5. DPKO officials have also been quick to credit P-5 consensus for the effectiveness of UNTAC.[17]

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[15] Confidential interview, DPKO official, New York, Nov 9, 1994.

[16] S/Res/792, 30 November 1992.

In Bosnia, however, the lack of P-5 consensus was a major factor in the failed operation. This lack of unity can be illustrated in several ways. First, the establishment of UNPROFOR only resulted from the P-5's attempt to find a middle ground between a full-scale military intervention in Bosnia and its abandonment. This led to UNPROFOR's impossible mandate of providing humanitarian assistance, without either a cease-fire or authorization to try and stop the fighting, to the Bosnian civilians. Second, UNPROFOR's mandate problems increased through a series of illogical step-by-step progressions: re-opening the Sarajevo airport, protecting humanitarian convoys, enforcing a no-fly-zone, and protecting designated safe areas. Steinbruner argued that UNPROFOR's "mission creep" occurred because of a P-5 "prone to crisis-induced reactions chosen for their symbolic value and ease of execution rather than their decisive effect."[18] Third, the debate over air strikes, which created two major cleavages inside of the P-5: 1) Britain and France versus the US; and 2) the NATO countries (Britain, France, and the US) versus Russia. Fourth, the arms embargo against the Muslims, which the US, especially its Congress, wanted to lift, but the other P-5 members opposed, feeling that it would escalate the fighting.

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[17] Confidential interviews, New York, Nov 8-16, 1994.

[18] Quoted in Weiss, "The UN and Civil Wars:" 198.

Did the vast number of Security Council resolutions on Bosnia indicate a high level of P-5 consensus? No. There were several reasons why the resolutions that were passed for UNPROFOR were not a significant show of P-5 consensus as was the case with UNTAC. First, the resolutions that were passed were watered down due to P-5 divisions. For example, Resolution 776, which gave UNPROFOR its mandate to protect humanitarian relief throughout Bosnia, did not contain Chapter VII provisions because of Chinese opposition. Second, the P-5 had to resort frequently to using multiple resolutions because of its internal divisions. For example, on Oct 9, 1992 the Security Council declared Bosnia a no-fly-zone, but it took until March 31, 1993 before a resolution enforcing the flight ban through NATO could be passed.[19] Thus, it is important to remember that when measuring the level of P-5 consensus, it is not the number of Security Council resolutions that matters, it is their content.

The Cambodian and Bosnian cases illustrated the importance of a P-5 consensus throughout the life of the peacekeeping operation. UNTAC was able to deal effectively with the Khmer Rouge because it had the full and united support of the

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[19] S/Res/781, 9 October 1992 and S/Res/816, 31 March 1993.

P-5. On the other hand, UNPROFOR was at the mercy of the Bosnian Serbs and Muslims, who were able to manipulate P-5 disagreements. For example, UNPROFOR did not possess the credibility to dissuade Pale from attacking safe areas because it knew that threats of air strikes were idle because of P-5 divisions over the issue. Similarly, the Muslims did not treat seriously threats by UNPROFOR to call in air strikes because they knew that the US would not approve of them.

The second type of support that the P-5 must supply to peacekeeping operations in internal conflicts is political commitment. One way that the P-5 exhibits political commitment is by ensuring that the operation is provided with resources (financing, troops, and equipment) compatible with its mandate. In addition, the P-5 should take steps to prevent gaps from occurring between the authorized size of the operation and the situation in the field. As Canadian Foreign Minister Andre Ouellet remarked to the UN General Assembly, the P-5 "need to demonstrate firm commitment to the implementation of their decisions."[20] Adam Roberts has also argued that the P-5's failure to enforce its statements and resolutions makes them "appear weak and indecisive in the face of particularly aggressive or unconscionable policies, and it may thus be underestimated and viewed with contempt by some of the leaders involved. This may only encourage their intransigence."[21]

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[20] Canada, Department of Foreign Affairs, Statements and Speeches 95/53 (Sept 26, 1995).

Although the Security Council delegates the assembling of the peacekeeping force to the UN Secretariat, in many cases the UN Secretariat is unable to accomplish this task. For instance, Secretary-General Boutros-Ghali, calling himself a "superbeggar," remarked that "people seem to have the delusion that with the push of a button we get peacekeepers and money. The fact is I beg from everybody."[22] In defending his view, Boutros-Ghali cited two examples: the UN Secretariat receiving only $30 million out of a needed $130 million for an operation in Afghanistan, and being turned down by 39 nations in a request for troops.

Clearly, the P-5 needs to assist the UN Secretariat as it works to assemble peacekeeping forces. The P-5, as great powers, have several options at their disposal to rectify these resource deficiencies. They can provide well-equipped troops themselves like France and Britain did in the case of UNPROFOR. They can assist contributing states by transporting troops and providing other types of logistical services. Finally, the P-5 can place diplomatic pressure on other member states to convince them to contribute. It is the ultimate responsibility of the P-5 that there is an appropriate mandate/resource linkage for each peacekeeping operation.

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[21] Quoted in Age Eknes, "The United Nations' Predicament in the Former Yugoslavia" in The United Nations and Civil Wars: 119.

[22] "UNSG Likened to "SUPERBEGGAR"" International Peacekeeping News [henceforth IPN] (April 22, 1995).

Effective operations buttress the argument that the P-5 needs to provide a political commitment to peacekeeping operations beyond the Security Council chambers. For example, the P-5 were extremely committed to obtaining peace in Cambodia, and as a result there was a good linkage between UNTAC's mandate and its resources. With 22,000 personnel, UNTAC had sufficient manpower to complete its primary objective effectively: conducting the Cambodian election. The level of P-5 commitment to UNTAC can also be seen by the fact that all five members participated in the operation.

Conversely, where there was a lack of a strong political commitment among the P-5 the result was an ineffectual operation. In Somalia, the absence of P-5 political will resulted in the failure of UNOSOM I. The P-5 ignored Somalia's 1988-91 civil war and did not establish UNOSOM I until the spring of 1992. Even then, the limited resources that UNOSOM I were provided with showed that "the Security Council appeared not at all keen to utilize extra means to resolve the crisis."[23] Although UNPROFOR was provided with thousands of troops, it was still not properly equipped to protect the safe areas as called for by the Security Council. Although the situation changed in June 1995, with the arrival of a 12,000-strong RRF, the damage to the operation had already been done. Similarly, there was a huge resource/mandate discrepancy in Rwanda. Following the assassination of the Presidents of Rwanda and Burundi on April 6, 1994, UNAMIR I, saddled with a small lightly-armed force, was unable to maintain the cease-fire and was forced to withdraw leaving only a skeleton force. As UNAMIR I's Force Commander Major-General Romeo Dellaire has argued, "a force of 5,000 personnel rapidly deployed could have prevented the massacres in the south and west of the country that did not commence in earnest until early May, nearly a month after the start of the war."[24]

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[23] Makinda: 68.

In addition to the positive support of achieving a consensus and showing political commitment, there is also a negative way that the P-5 can support peacekeeping operations. It is very possible for the P-5 states to hinder the effectiveness of a peacekeeping operation by placing their own national interests ahead of the operation's objective. Therefore, the third way that P-5 states can support peacekeeping operations is by refraining from taking over the operation.

However, this is easier said than done. The UN faces quite a dilemma. While peacekeeping operations are dependent upon P-5 support, in many cases that support only appears when the P-5 states have national interests at stake. As the above section on political commitment argued, it is the lack of P-5 national interest that has frequently undermined peacekeeping operations. This is why the P-5 has allowed its peers to intervene, more or less unilaterally, into internal conflicts. This type of action has been authorized even in cases where the intervening state was clearly protecting its own national interests.[25]

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[24] Quoted in Canada, Department of Foreign Affairs, Towards a Rapid Reaction Capability for the United Nations (Sept 1995).

For example, when the crisis in Rwanda broke in Spring 1994, there was a distinct lack of interest on the part of the international community in general, and the P-5 in particular, to getting involved. Finally, France decided to intervene because, as its Prime Minister Edouard Balladur stated,

> France sees itself as a world power. This is its ambition and its honour and I wish to preserve this ambition. And its main field of action is Africa, where it has an important role to play because of long-standing tradition --- especially in French-speaking Africa.[26]

France was not a neutral observer in Rwanda, as it had provided military support to the former Hutu-led government in its civil war against the Tutsi-dominated Rwandan Patriotic Front (RPF). As Terriff and Keeley point out, "[t]he credibility of France's support for African regimes could suffer if it failed to act at least to protect the Hutus from the RPF. The French intervention in Rwanda reminded other African states that France would be willing to use its military force to protect its friends and interests in the region."[27] Despite France's motives, the rest of the P-5 authorized the intervention because the alternative, doing nothing, was worse.[28] As a result of the French intervention, a second peacekeeping operation (UNAMIR II) was established for Rwanda.

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[25] See: Terry Terriff and James F. Keeley, "The United Nations, Conflict Management and Spheres of Interest" International Peacekeeping 2/4 (Winter 1995): 510-535.

[26] The Globe and Mail (July 5, 1994): A8.

[27] Terriff and Keeley: 521.

However, there are clear risks to the effectiveness of the peacekeeping operation when a P-5 state takes such a strong role. The best example of how a P-5 state can highjack a UN peacekeeping operation and use it for its own foreign policy purposes was by the US in Somalia. This was most apparent with UNOSOM II's command structure, which was dominated by US officials, but lacked any US troops under UN command. There was a strong US military presence in Somalia, the QRF and the US Rangers, but they would only follow American orders. When the Pakistani peacekeepers were killed, the US, albeit with the support of UN Secretary-General Boutros-Ghali, decided to target General Aidid and his USC/SNA party. The consequences of this decision created rifts with other members of UNOSOM II, in particular the Italian contingent. Moreover, many frontline DPKO officials in Mogadishu and New York were upset with the senior members of the UN Secretariat (Boutros-Ghali, et al) following US foreign policy in Somalia.[29]

It is obvious that the issue of P-5 states pursuing their national interests as part of UN peacekeeping operations remains a double-edged sword. In the current international environment, peacekeeping cannot live with the P-5, and it cannot live without them. In the aftermath of Somalia, the UN Secretariat has now recognized the danger of P-5 national interests prevailing in the conduct of peacekeeping operations. *Supplement to An Agenda for Peace* stated that this

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[28] S/Res/929, 22 June 1994.

[29] Confidential interviews, New York, Nov 8-16, 1994.

> can also create the impression amongst the parties that the operation is serving the policy objectives of the contributing Governments rather than the collective will of the United Nations as formulated by the Security Council. Such impressions inevitably undermine an operation's legitimacy and effectiveness.[30]

In sum, an effective peacekeeping operation in an internal conflict requires a high level of support from the P-5. In particular, the P-5 must supply three types of support. There must be a consensus among the P-5 over the establishment and conduct of the peacekeeping operation. The P-5 must exhibit a political commitment to ensure the effectiveness of the operation. At the same time, however, the P-5 states must refrain from placing their own national interests ahead of the objectives of the operation. However, peacekeeping operations may encounter difficulty because of the contradictions that exist between P-5 commitment and P-5 pursuit of national interests. The key to an effective peacekeeping operation is how it balances the level of P-5 support. Durch observed that "peacekeeping missions do not get off the ground without Great Power support, and they do not fare well *on* the ground without local consent."[31] However, what Durch neglected to mention was that sometimes peacekeeping missions do not fare well on the ground *with* Great Power support.

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[30] Supplement to An Agenda for Peace: para. 41.

[31] Durch, "The Political-Military Context:" 36.

UNITED STATES

The US is the world's sole remaining superpower, with a combination of financial and military resources that is unparalleled in the world. This gives the US a tremendous impact on UN peacekeeping. As a result, the US' role, unique among the P-5, needs to be assessed separately.[32] As Durch has concluded, "in 45 years of UN peacekeeping operations, all that have gone forward have had US support, while others that were still-born suffered a lack of such support."[33] There are six ways that US support, or lack of it, can determine the effectiveness of peacekeeping operations: 1) logistics; 2) finances; 3) establishing operations; 4) conducting operations; 5) preventing operations; and 6) pursuing US national interests.

One form of US support for peacekeeping operations has been logistical. UN peacekeeping has always been dependent upon US logistical support. For instance, it was American planes that delivered troops and supplies to the Suez in 1956 and the Congo in 1960. Today, many national contingents continue to rely on US transport to deliver their troops to their destination. Overall, it is estimated that the US spent $1.3 billion on logistical support of peacekeeping operations from 1956 to 1993.[34]

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[32] For more information on the growing literature on US involvement in peacekeeping see: Berdal, "Fateful Encounter:" 30-50 and Joel J. Sokolsky, "Great ideals and uneasy compromises: the United States approach to peacekeeping" International Journal 50/2 (Spring 1995): 266-293.

[33] Durch, "The Political-Military Context:" 23.

[34] John Mikulaninec, "International Peacekeeping: Under the

If the US has been forthcoming with logistical support for peacekeeping operations, the same cannot be said for financial support. The US, owing $1.4 billion, is the UN's biggest debtor.[35] However, instead of taking steps to pay this debt, the Clinton Administration has been trying to reduce its percentage of the UN's peacekeeping budget from 31.7% to 25%. Further, the Republican-dominated Congress, through its National Security Revitalization Act currently awaiting Presidential ratification, would like to deduct all voluntary payments, like logistical support, from its owed assessments.[36] This could financially cripple UN peacekeeping efforts not only due to the loss of US dollars but also due to the precedent-setting effect of this measure on other member states.

The lack of US financial support has greatly handicapped UN peacekeeping operations. As the *Supplement to An Agenda for Peace* noted, "the shortage of funds, in particular for reconnaissance and planning, for the start-up of operations and for the recruitment and training of personnel imposes severe constraints on the Organization's ability to deploy, with the desired speed, newly approved operations."[37] Dollar shortages have also delayed the reimbursement of national contingents for

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Blue Flag or the Stars and Strips?" in Alex Morrison ed) The Changing Face of Peacekeeping (Toronto, 1993): 170.

[35] Calgary Herald (Oct 13, 1995): A6.

[36] US State Department, Dispatch (Feb 20, 1995): 129-130.

[37] Supplement to An Agenda for Peace: Para 98.

peacekeeping expenses. Simply put, peacekeeping needs US financial support to be effective.

US support can also create operations which would not normally have been established. There is no question that UNOSOM II would not have been established had the US-led UNITAF not preceded it. Only the US could have assembled so quickly such a large show of force as UNITAF. A second example took place in Haiti. When the advance team of UNMIH I, comprised of 220 personnel, was first dispatched to Haiti in October 1993, they were turned back by armed supporters of General Cedras. However, a year later, the lead elements of the US-led Multinational Force (MNF) arrived in Haiti unopposed. The original UNMIH I delegation was small and lightly armed, but the MNF had 20,000 well-armed troops. The mandate for both operations was similar but the resources were greatly disparate. The enhancement of peacekeeping capabilities, which resulted in an effective peacekeeping operation, was a direct result of greater US support for an operation in Haiti. The Clinton Administration provided 20,000 heavily-armed American troops for the operation. It convinced allies and other interested states to join the MNF. Finally, Washington utilized a successful ultimatum (invasion or resignation) which, in part, persuaded the *de facto* leaders to resign and allow a UN peacekeeping operation to be deployed in Haiti.

US support can also affect the conduct of peacekeeping operations. It is US military power which gives the UN the option to increase its use of force in peacekeeping operations. It was US bases, aircraft carriers, and fighter planes which gave the UN the operational ability to use air strikes as a tactic in Bosnia. US military strength can also act as a constraint on efforts to use force in peacekeeping operations. For example, Washington was able to dismiss French President Jacques Chirac's plan to use the RRF to protect the Gorazde safe area because it relied on the use of US helicopters.[38]

In addition to supporting UN peacekeeping, the US has also acted as an obstacle to the establishment of peacekeeping operations. The US has also used its *implicit* veto power to prevent the establishment of a peacekeeping operation. For example, during Security Council debates in April 1994 over the emerging slaughter in Rwanda, the US, fearful of another Somali debacle, delayed efforts to re-enforce UNAMIR I.[39]

While a dilemma exists with P-5 support of peacekeeping operations, it becomes more acute when it involves the US. While US support is a necessary condition for an effective peacekeeping operation, it can also be disastrous. The problem, as longtime UN diplomat Conor Cruise O'Brien aptly summed up, is that, "the US associates itself with the various UN operations but on its own terms, according to its own agenda and conserving its autonomy, while nominally acting under the authority of the UN."[40]

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[38] The Globe and Mail (July 19, 1995): A6.

[39] Confidential interview, DPKO official, New York, Nov 9, 1994. Also see Africa Report (Nov/Dec 1994): 18-21.

[40] Quoted in Berdal, "Fateful Encounter:" 47.

When the US actively supports a peacekeeping operation, there can be two serious consequences. First, the peacekeeping operation may be conducted in a way which contradicts the traditional principles of UN peacekeeping. For instance, a cornerstone of UN peacekeeping has been impartiality but the US has insisted on choosing sides in internal conflicts. The US put the "black hats" on the Khmer Rouge, the USC/SNA, and the Bosnian Serbs. Although the US was constrained, from taking forceful action in Cambodia by its allies and its own history in Southeast Asia, it was not constrained in Somalia and Bosnia. In those two cases, the consequences of the UN's adoption of US policy --- the violation of impartiality, and the resulting escalation in the use of force --- was a major factor in the ineffectiveness of the operations.

The second consequence of a more active role in peacekeeping by the US is the perception that the UN is merely an American puppet. The Americans actually create this feeling by refusing to place their troops under foreign command and by its stated policy on UN peacekeeping operations, PD-25, which demands that an operation be in the national interest of the US before approval can be granted. However, even when the US intention is more benign, the perception of US imperialism remains when "the UN issues the warrants and the US makes the arrest."[41] As a result, active US support can cause more damage to an operation, as well as to the UN's legitimacy as a whole, then if nothing had been done.

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[41] Quoted in Jim Whitman and Ian Bartholomew, "UN Peace Support Operations: Political-Military Considerations" in Beyond Traditional Peacekeeping: 173.

In Bosnia, the American role was the worst of all possibilities, a lack of political commitment combined with a pursuit of national interests. Washington wanted to move UNPROFOR from peacekeeping to peace enforcement against the Bosnian Serbs. This is why it was the chief advocate of NATO air strikes. At the same time, however, the US would not put troops on the ground, but would restrict its participation to air power, headquarters staff, logistics, field hospitals, and other peripheral roles. By heightening the rhetoric against the Bosnian Serbs, but failing to back it up in a meaningful way, the US sapped the credibility of the peacekeepers. This meant that UNPROFOR could neither persuade nor force the Bosnian Serbs to co-operate with its mandate. Likewise, threats of force (for violating the safe areas concept) were useless against the Muslims because the US, through NATO, was UNPROFOR's guarantor of force, and it would not use it against the Muslims. In short, the US was a classic back-seat driver during the peacekeeping operation in Bosnia and this greatly hindered UNPROFOR's operational effectiveness.

The preceding discussion on how US support can sometimes be detrimental to peacekeeping operations confirms Doyle's point that US influence "may sometimes be most effective when exercised quietly, behind the scenes, in concert with other powers. Such efforts can and have spelled the difference between the success and failure of peacekeeping missions at critical junctures."[42] There is a better chance for an effective peacekeeping operation when the

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[42] Doyle, UNTAC's Civil Mandate: 23.

US supports an operation through multilateralism (the Core Group in Cambodia and the Friends of El Salvador) than when it operates more unilaterally (in Somalia, and to a lesser extent in Bosnia).

In sum, for UN peacekeeping operations to be effective they need the support of the United States. In the absence of US support, either by a Security Council veto or by withholding logistical and financial support, a peacekeeping operation will not get off the ground. On the other hand, more active US involvement, through the operational conduct of an operation, is undesirable. Greater US involvement in Somalia adversely affected UNOSOM II's effectiveness. Alternatively, US interference from the sidelines had a similar impact on UNPROFOR. US participation in peacekeeping operations has also led to the perception, correct or not, that a UN operation is actually an American operation. This sentiment also hinders the effectiveness of a peacekeeping operation.

REGIONAL POWERS

In tandem with the great powers, the support that regional powers provide to a peacekeeping operation is advantageous to its overall effectiveness. However, many peacekeeping experts tend to either ignore the role that regional powers can play,[43] or collapse them under the heading of "international support."[44] Yet regional power support is an independent condition for an effective peacekeeping operation. Neighbouring states usually possess a deeper knowledge of the culture, history, and language of a regional conflict. In addition, they may have a greater stake in ensuring that a peaceful resolution of the conflict occurs because of the fear that it might spread. *An Agenda for Peace* recognized the advantages of including neighbouring states, through regional organizations, in peacekeeping operations because they could "contribute to a deeper sense of participation, consensus and democratization in international affairs."[45] In short, regional powers can assist peacekeeping operations in internal conflicts through formal regional organizations, ad hoc groupings of interested states, or as individual states.

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[43] See, for example, Durch, "The Political-Military Context:" 22-26," which recognized the importance of great and local power support, but ignored regional power support.

[44] See, for example, Doyle, UNTAC's Civil Mandate: 64-65.

On the other hand, since regional powers have a greater stake in the outcome of a conflict they are potential detriments to peacekeeping operations. As is the case with the P-5, regional powers tend to interfere most often in cases of internal conflicts to ensure that a "friendly" party takes control of the powers of state, or conversely, preventing a hostile party from accomplishing it. Accordingly, at least one of the parties to almost every internal conflict receives support from a regional power. The support that regional powers give to their client can be as overt as supplying its own troops to prop them up, like Libya did in Chad and Turkey did in Cyprus. Or the support can take more subtle forms like arms transfers, military advisors, providing territory for military bases, and financial support, e.g. the actions of both

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[45] An Agenda for Peace: para 63.

Egypt and Saudi Arabia in Yemen. In short, for an effective peacekeeping operation in an internal conflict, the regional powers must stop supporting the parties to the conflict.

Sometimes the best way that regional powers can enhance the effectiveness of a peacekeeping operation is through their own inaction. That being said, there are three broad categories of involvement by regional powers in peacekeeping operations in internal conflicts: 1) leadership; 2) assistantship; or 3) obstructionist. This section will set out the characteristics of each category and provide relevant examples from the cases.

The best way that regional powers can become involved in a peacekeeping operation in a neighbouring internal conflict is by providing leadership. There are many ways that regional powers can display leadership: diplomatic peacemaking; contributing troops and equipment to the operation; giving financial assistance to either the operation or the target state; and/or putting pressure on the parties to the conflict.

One way for regional powers to show leadership is, as Boutros-Ghali's *Supplement to An Agenda for Peace* stated, through the

> establishment of informal groups of Member States, created on an ad hoc basis to support the Secretary-General in the discharge of peacemaking and peace-keeping mandates entrusted to him. They are normally referred to as "Friends of the Secretary-General for ..." They have no formal mandate from the General Assembly or the Security Council and comprise States with a particular interest in the conflict in question. They have material and diplomatic resources that can be used to support the Secretary-General's efforts. Their value to him is as a sounding-board, as a source

> of ideas and comment and as a diplomatic instrument for bringing influence to bear on the parties.[46]

The prototype for this type of arrangement was the Friends of the Secretary-General for El Salvador, which included such regional powers as Venezuela, Columbia, and Mexico. The support that these friends gave to ONUSAL was crucial to the effectiveness of the operation. As Eguizabal observed, "more often than not, the weight of the four friends plus one [the US] was needed to assure compliance with the Chapultepec accord and, more important, with the democratization process the accord underwrites."[47] UNMIH II also benefited from the formation of a Friends of the Secretary-General for Haiti.

A more formalized arrangement was the formation of the Core Group for the operation in Cambodia. Although ASEAN played an important early role in the negotiations that led to the signing of the Paris Accords, the Core Group was the principal vehicle for coordinating regional power support for UNTAC. Australia, Thailand, Japan, and Indonesia were the regional members of the Core Group and both individually and collectively they were critical to UNTAC's effectiveness. Only the Thai military, which provided sanctuary for the Khmer Rouge and violated UN economic sanctions on logging, hindered UNTAC's efforts. Despite the efforts of the Core Group, the Thai military's assistance to the Khmer Rouge almost led to the collapse of the Paris Accords. This lends additional support to the view that the most important function that regional powers can play in an internal conflict is by not contravening the objectives of the peacekeeping operation. The operation in Mozambique also benefited from the leadership that some regional powers provided. For example, South African President Nelson Mandela and Zimbabwean President Robert Mugabe were credited with keeping the peace process on track by convincing the Mozambican National Resistance (RENAMO) not to withdraw from the election.[48]

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[46] Supplement to An Agenda for Peace: para 83.

[47] Eguizabal: 188.

In several cases, regional powers are not able to provide leadership to a peacekeeping operation but would, nevertheless, like to assist the UN in some way. This inability to provide leadership can result from a lack of resources, a fear of becoming embroiled in the conflict, or of antagonizing the parties to the conflict. Therefore, these states can only provide assistance to the operation. This assistance can take many forms: furnishing ground troops for the operation; allowing peace conferences to be held on their territory; allowing military or humanitarian bases on their territory; and/or allowing refugee camps to be set up on their territory. At the lowest, but perhaps most significant level, it is possible for regional powers to assist a peacekeeping operation by simply refraining from those activities that allow the conflict to continue.

The case of Somalia provides a good example of regional powers assisting an internal conflict peacekeeping operation. For the Somali operations, Kenya and Ethiopia hosted peace conferences and allowed refugee camps to be set up, while Egypt was a major troop contributor to both UNITAF and UNOSOM II. However, these African states only joined the operation as a result of US intervention. The regional organizations, the OAU and the Arab League, did not want to become involved in the Somali conflict. The inactivity of regional powers in Somalia was best shown in the deployment problems encountered by UNOSOM I. Although, as mentioned, several regional states did assist the UN's operations once the US become involved, they were not prepared to take a leadership position in the conflict. As such, their involvement must be considered more of a helpful role than that of significant support.

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[48] "Success of ONUMOZ Explained" IPN (March 27, 1995).

The UN's experience in Somalia was duplicated when the regional powers abdicated initial responsibility during the Rwandan crisis. For example, the UN initially advocated the position that it was up to "African Heads of State and the Organization of African Unity" to "put an end to the carnage,"[49] only to backtrack a month later with a plea for western intervention. When France launched *Operation Turquoise*, an inter-African battalion did join but neither the OAU, nor individual African states were willing or able, to take the initiative in Rwanda.[50] Later, when UNAMIR II was deployed, troops were contributed by Ethiopia, Zimbabwe, and Nigeria. In addition, there were refugee camps set up in Zaire and

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[49] SG/SM/5280, 5 May 1994. Also see: S/Prst/1994/21, 30 April 1994 and "Boutros-Ghali Comments on Rwanda" IPN (Jan 1995).

[50] The inter-African battalion consisted of Chad, Congo, Egypt, Guinea, Bissau, Mauritania, and Senegal.

Uganda, and UNAMIR II used the Entebbe airport in Uganda to fly in its troops. Fundamentally, however, these African nations, despite their later assistance, would not have become involved in the Rwandan conflict without the French intervention.

Regional powers are not always an advantage for a peacekeeping operation. They can also hinder the effectiveness of an operation by becoming obstructionist. There are several ways that a regional power can obstruct a peacekeeping operation: first, through the provision of military or financial assistance to one or more of the parties to the conflict; second, by violating UN-authorized economic sanctions; third, by prohibiting the UN from using its territory for border patrols, bases, refugee camps, etc.

As was mentioned above, and in greater detail in Chapter Four, UNTAC was clearly obstructed by the Thai military. However, there have been many other examples. For instance, UNPROFOR faced obstruction from several regional powers. Although the EU, and Germany in particular, were supportive of UNPROFOR, this was negated by the actions of Bosnia's neighbours in the former Yugoslavia. Both the Bosnian Croats and the Bosnian Serbs were assisted by their patrons in Zagreb and Belgrade.[51] Despite the establishment of the Bosnian Federation in February 1994 between the Bosnian Croats and the Muslims, Croatia continued to interfere in the conflict. In addition, the problem of Serbian interference remained. Through a series of resolutions in 1992 the UN placed, and authorized NATO to enforce compliance of, economic sanctions on Serbia for continuing to interfere in the Bosnian conflict.[52] On August 4, 1994, Serbia bowed to international pressure and severed its relationship with its cousins in Pale. All evidence suggests that Belgrade has lived up to this commitment.[53] By signing the Dayton Agreement, both Croatia and Bosnia recognized the territorial integrity of Bosnia.[54] However, this only occurred after the peacekeeping operation in Bosnia had, for all intents and purposes, ended.

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[51] In S/RES/752, 15 May 1992, the Security Council demanded "that all forms of interference from outside Bosnia-Herzegovina, including by units of the Yugoslav People's Army (JNA) as well as elements of the Croatian Army, cease immediately, and that Bosnia-Herzegovina's neighbours take swift action to end such interference and respect the territorial integrity of Bosnia-Herzegovina."

While it may appear, at least for the moment, that Croatian and Serbian interference in Bosnia has ceased, there continue to be warning signs that it will only be temporary. For instance, it was widely reported that in the Spring of 1995, Croatian President Tudjman had drafted, on a dinner napkin, the partition of Bosnia into a Greater Croatia and a Greater Serbia.[55] The Dayton Agreement, with its decision to create two autonomous entities (Bosnian Croat-Muslim Federation and Bosnian Serb) in one state, also seems to suggest that partition will be the eventual fate of Bosnia.[56] Thus, that Croatia and Serbia may again be involved in the Bosnian conflict, perhaps as active participants, remains a distinct possibility.

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[52] See: S/Res/757, 30 May 1992 and S/Res/787, 16 November 1992.

[53] See, for example, S/1994/1372, 1 December 1994 and S/1995/510, 25 June 1995.

[54] A/50/790 - S/1995/999, 21 November 1995: Article I.

[55] The Globe and Mail (Sept 16, 1995): A10.

In sum, there are three general types of relationships that can exist between regional powers and the peacekeeping operation involved in a neighbouring internal conflict. Regional powers can: a) lead (Cambodia, Haiti, El Salvador); b) assist (Somalia, Rwanda); or c) obstruct (Bosnia). It is not insignificant that the peacekeeping operations with the greatest level of regional power support (UNTAC, ONUSAL, UNMIH II) also had the highest level of effectiveness. This is most evident with regard to the peacekeepers' effectiveness in facilitating conflict resolution. In addition, regional powers can assist the peacekeepers in effectively containing a conflict. This is due to the fact that most internal conflicts have also been strong sources of regional tension. However, as the cases of Cambodia and El Salvador showed, these tensions can be eliminated, or at the very least reduced, when regional powers support peacekeeping operations. In cases of obstruction regional powers can mitigate great power support, thus allowing a non-compliant local party to withstand international pressure more easily which adversely affects the ability of the peacekeepers to facilitate conflict resolution. Interference by outside parties also means that the peacekeeping operation has been ineffective at containing the conflict.

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[56] A/50/790 - S/1995/999, 21 November 1995: Annex 4.

THE TRADITIONAL PRINCIPLES OF PEACEKEEPING

The final factor that needs to be examined in explaining the effectiveness of peacekeeping operations in internal conflicts is the maintenance of the three traditional principles of peacekeeping (consent, impartiality, and limited use of force). In addition to the actual UN peacekeepers, one must also examine any other forces which have been authorized to provide military support to the blue helmets. Since the use of these second-tier forces must flow through the UN chain of command, either through the UN Secretary-General of the Force Commander, their behaviour must be included with the actual UN peacekeepers. For example, Kofi Annan confirmed that the RRF for Bosnia would be an "integral part of the UN."[57] Although the RRF did remain in their national uniforms (not blue helmets), and its *de facto* command and control rested with the contributing states (Britain, France, and the Netherlands), it was still linked with UNPROFOR due to their mandate to protect the peacekeepers. It is also difficult for the parties on the ground, particularly when the shooting starts, to distinguish between peacekeepers and second-tier support forces. Any action that affiliated forces take, even when the UN Force Commander does not know about it, will taint the peacekeepers. Finally, the importance of studying second tier peacekeepers is particularly relevant because they were used in two of the cases studied here --- Somalia (a RRF and the US Rangers) and Bosnia (a RRF and NATO).

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[57] "France suggests rapid reaction force" IPN (Summer 1995).

i) CONSENT

The first principle of peacekeeping is that an operation must have the consent of the parties. Chapter One argued that consent in cases of internal conflict must include all of the parties to the conflict, not just the recognized state government. This point has been argued throughout this dissertation. In particular, the case study on Bosnia stressed the fact that the Muslims, Bosnian Croats, and Bosnian Serbs did not consent to UNPROFOR. The issue of consent has been discussed in other sections of this chapter (CSA and parties to the conflict) and will be discussed again in the final chapter when its legal dimension is examined. Nevertheless, the purpose of this section is to explain how the presence of consent enhances the effectiveness of peacekeeping operations in internal conflicts and how its absence impedes that effectiveness.

It is highly unlikely that a peacekeeping operation could facilitate a resolution to the conflict without consent from the parties. How could an operation play a role in mediating the conflict, when one or more of the combatants do not even want the peacekeepers deployed? Consent for a peacekeeping operation may be only the first sign that the parties are willing to compromise and negotiate but its absence strongly indicates that at least one of the parties believes that its objectives can still be achieved on the battlefield. In such a situation, a peacekeeping operation is bound to be ineffectual.

The presence of consent is also indispensable to a peacekeeping operation's ability to perform its mandate. This is because the tasks contained in the mandate would have already been approved by the parties to the conflict. In addition, in order to effectively perform their mandate, the peacekeepers rely on the consent and co-operation of the parties to the conflict. Consent to the establishment of the operation may not be a guarantee that the parties to the conflict will co-operate with the operation's mandate. For example, both the Khmer Rouge and the Phnom Penh regime did consent to UNTAC but they also refused to co-operate with several aspects of its mandate. However, the absence of consent is a guarantee that co-operation from the parties to the conflict will not be forthcoming. This was clearly shown by the Bosnian Serbs in their blatant disregard of the safe areas concept.

Consent also aids an operation's ability to limit casualties. In particular, the peacekeepers are not seen as an outside force that is intervening into the conflict but rather as invited guests. Therefore, the chances that the parties to the conflict will attack the peacekeepers is greatly reduced. Conversely, UNOSOM II, which lacked the consent of the Somali parties, suffered extremely high casualty rates for a peacekeeping operation. Although this was largely due to a loss of impartiality and an escalation in the use of force, it is important to remember that the other two traditional principles of peacekeeping are linked to consent. Thus, the root cause of UNOSOM II's casualties was the absence of consent from the Somali parties.

ii) IMPARTIALITY

The second traditional principle of UN peacekeeping is that impartiality is maintained between the parties to the conflict. The evidence compiled from the cases indicates the value of maintaining impartiality. There was a direct correlation between impartiality and operational effectiveness. The benefits of impartiality were best demonstrated in Cambodia, when UNTAC, despite provocations from the Khmer Rouge, steadfastly remained neutral. UNTAC's non-confrontational policy has been identified as a key to the effectiveness of the operation.

Conversely, the consequences of violating impartiality were clearly demonstrated in Somalia and Bosnia. The UN lost its impartiality in Somalia when US forces, under UN authorization, pursued its campaign against General Aidid and the USC/SNA. This led to UNOSOM II becoming a party to the conflict, thus ending any credible role that the UN could play in conflict resolution. The peacekeepers in Bosnia have also been biased against a party to the conflict. Contrary to the view of the Muslims, it was the Bosnian Serbs who have been singled out for much of the blame for the conflict by UNPROFOR and NATO. As a 1995 Secretary-General report said, "in all cases air power was used against Bosnian Serb targets or targets in Serb-controlled parts of Croatia that had been operating in support of the Bosnian Serbs."[58] It is no wonder that the Bosnian Serbs took UNPROFOR troops hostage, because, in their eyes, the blue helmets were prisoners of war. There has been the suggestion that impartiality should refer to enforcing UN resolutions equally. However, even using this definition, UNPROFOR was biased against the Bosnian Serbs. For example, when the Bosnian Serbs violated the safe areas by shelling *into* them, they were hit with NATO air strikes, but when the Muslims violated the safe areas by shelling *from* them, they were only warned.

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[58] S/1995/444, 30 May 1995.

Maintaining impartiality enhances the possibility of a more effective peacekeeping operation because it ensures that the peacekeepers do not become a party to the conflict. This is a necessary requirement for facilitating conflict resolution. UN peacekeeping cannot play its "honest-broker" role between the warring factions when it is biased against one of the factions. In addition, the peacekeepers can perform their mandate more effectively if they are not fearing for their safety. In cases where impartiality has been lost, too much time and resources were spent on protecting the peacekeepers, and not enough on ways to improve their performance of the mandate. This study has argued that when peacekeepers are killed or taken hostage their ability to limit casualities is greatly hindered. It has also been shown that peacekeeper casualties greatly increase when an operation loses its impartiality and becomes a party to the conflict. Therefore, there is a clear link between impartiality and operational effectiveness at limiting casualties.

iii) LIMITED USE OF FORCE

The third traditional principle of peacekeeping is that only limited use of force can be used in the conduct of the operation. Although there has been an increased willingness by peacekeepers to use force, it has not been efficient and, in many cases, it has worsened the situation. Disarmament provides a good example of how the principle of limited use of force enhances operational effectiveness. UNTAC did not resort to force when faced with the refusal of the Khmer Rouge to disarm. Instead, UNTAC decided to concentrate on effectively performing its electoral functions. UNTAC's effectiveness in conducting the election also significantly benefited its role in facilitating conflict resolution. Finally, by refraining from using force, UNTAC was also able to limit casualties effectively.

In a similar situation in Somalia, UNOSOM II did decide to use force to ensure that the Somalis disarmed. The result was war between UNOSOM II and the USC/SNA, a war which led UNOSOM II, after suffering many casualties, to back down from its disarmament effort. By using force to try to disarm the Somalis and failing, UNOSOM II's credibility and operational effectiveness were destroyed. UNOSOM II could no longer effectively facilitate conflict resolution in Somalia. In addition, by pursuing Aidid, UNOSOM II increased, rather than limited, the number of casualties among combatants, civilians, and peacekeepers. Finally, by trying to disarm the Somalis forcibly, UNOSOM II was diverted from performing the other aspects of its mandate.

In Bosnia, the entire issue of the use of force by UN peacekeepers was plagued by ambiguities and contradictions. First, although several aspects of UNPROFOR's mandate have been authorized under Chapter VII, others have not. UNPROFOR also lacked clear and consistent rules of engagement. For instance, when UNPROFOR was authorized to provide "protective support to UNHCR-organized convoys" it was emphasized that "the UNPROFOR troops concerned would follow normal peace-keeping rules of self-defence." In this instance, however, "self-defence was deemed to include situations in which armed persons attempted by force to prevent United Nations troops from carrying out their mandate."[59] Thus, while Chapter VII was not cited for this aspect of UNPROFOR's mandate, it was assumed that UNPROFOR would use force to complete it. Second, when force has been used in Bosnia, it has been applied primarily by NATO and the RRF whom the Security Council had authorized to provide military support for UNPROFOR. Third, until *Operation Deliberate Force*, there was an unwillingness on behalf of NATO and UNPROFOR to exercise their authorized use of force. Although very good reasons existed for UNPROFOR/NATO's restraint, it led to charges from the Muslim-led Bosnian Government that they were not enforcing Security Council Resolutions. These mixed messages could have been avoided by a strict adherence to the limited use of force principle. Finally, as Chapter Six argued in detail, when NATO, under UN authorization, launched *Operation Deliberate Force* against the

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[59] S/24540, 10 September 1992.

Bosnian Serbs, it crossed the line from peacekeeping to peace enforcement.

The failed experiments in Somalia and Bosnia have reaffirmed the importance of the principle of limited use of force by peacekeeping forces. Boutros-Ghali has now recognized that, "military protection serves primarily to dissuade random or unorganized attacks; it cannot substitute for the consent and cooperation of the parties."[60] Meanwhile, *Supplement to An Agenda for Peace* has stated that there is a clear link between respecting the three tenants of peacekeeping (consent, impartiality, and limited use of force) and operational effectiveness. "Analysis of recent successes and failures shows that in all the successes those principles were respected and in most of the less successful operations one or other of them was not."[61] Moreover, there are specific tasks which seem to discourage the adherence to the established peacekeeping principles like "protecting humanitarian operations during continuing warfare, protecting civilian populations in designated safe areas and pressing the parties to achieve national reconciliation at a pace faster than they were ready to accept."[62] This position also has won over advocates outside of the UN Secretariat. US Political Affairs Counsellor to the UN Cameron Hume has reported that the UN "cannot use force for its peacekeeping missions without compromising its effectiveness."[63]

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[60] S/1995/444, 30 May 1995.

[61] Supplement to An Agenda for Peace: paras 33-34.

[62] Ibid.

The use of "two-tiered" peacekeeping was particularly damaging to the effectiveness of peacekeeping operations. The UN experimented with this mechanism in Somalia and Bosnia. Two-tiered peacekeeping occurs when the Security Council authorizes a second force, with significant military capability, to protect the original peacekeepers from attack while they complete their mandate. However, there has been a growing recognition that deploying a lightly armed force into an explosive conflict, and then threatening the combatants with the use of greater force, places the initial force in grave danger. This danger can be exploited by the combatants which then saps any deterrence that the support force may muster. As the Secretary-General reported, "the use, or threat of the use, of air power" by NATO in Bosnia, made UNPROFOR vulnerable "to being taken hostage and to other forms of harassment."[64] For example, the Bosnian Serbs took hundreds of UNPROFOR troops hostage in retaliation for a NATO air strike in May 1995. Canadian diplomats have also stated that one of the lessons of UNOSOM II and UNPROFOR was not to mix peacekeeping with peace enforcement.[65]

As a result of its experience in Somalia and Bosnia, the UN, in cases of two-tier peacekeeping, has sought to lessen the vulnerability of its peacekeepers. For example, the UN took several steps to protect its peacekeepers prior to the launching of full-scale air strikes against the Bosnian Serbs on August 30, 1995. First, it pulled back UNPROFOR units which were isolated in Bosnian Serb territory. Second, it brought in a RRF, whose artillery units provided the UN with heavy weapons to batter the Bosnian Serbs from the ground. Third, the authorization to call in NATO air strikes shifted from the UN Secretariat to the UNPROFOR Force Commanders. In effect, this meant that any decision to use force would now be made in London, Paris, and Washington, not in New York. Fourth, NATO's policy only to use force to protect the peacekeepers, was removed. This allowed NATO to use disproportionate force in bombing radar installations, ammunition dumps, and command headquarters. However, in the process of improving the efficiency of "two-tiered" peacekeeping it crossed the line into peace enforcement. When *Operation Deliberate Force* was initiated, NATO and the RRF were not acting in support of UNPROFOR, but were independent actors. This was peace enforcement, not peacekeeping.

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[63] "Use Of Force By UN Viewed" IPN (Feb 1995).

[64] S/1994/1389, 1 December 1994.

[65] Confidential interview, Canadian Foreign Affairs Officer, Edmonton, Jan 11, 1995.

In sum, recent peacekeeping operations in internal conflicts have shown that operational effectiveness is enhanced by upholding the traditional peacekeeping principles of consent, impartiality, and limited use of force. When these principles have been breached it makes it difficult for the peacekeepers to perform their mandate or to facilitate conflict resolution. In addition, when these principles are violated it usually results in the peacekeepers becoming a party to the conflict. When that happens, an operation's effectiveness at preventing casualties is impaired.

CONCLUSION

This chapter has provided an explanation for the effectiveness of peacekeeping operations in internal conflicts. This explanation relied heavily on the examples of Cambodia, Somalia, and Bosnia, but other operations were also cited. The analysis was structured around a thorough examination of the six variables --- the parties to the conflict, CSAs, the P-5, the US, regional powers, and the traditional principles of peacekeeping --- which either enhance, or hinder, the effectiveness of peacekeeping operations in internal conflicts.

From the explanation that was provided, a set of conditions for an effective peacekeeping operation in an internal conflict can be developed. These conditions would necessarily constitute only an ideal type of peacekeeping operation in an internal conflict. It would be very unlikely that they would ever appear in the real world. However, there will be a direct correlation between the number of conditions that an operation has met, and its level of effectiveness. The following are the broad conditions for an effective peacekeeping operation:

1) the consent and co-operation of the parties to the conflict;
2) the existence of a CSA. Included in the CSA should be: the mandate of the peacekeeping operation; a mechanism for governing the country during the transitional stage prior to conflict resolution; and a provision for resolving the conflict;

3) the P-5 must provide political support. This includes: ensuring that the operation receives sufficient material resources, a consensus, political commitment, and they must refrain from manipulating the operation in the pursuit of their own national interests;
4) the US must supply logistical, financial, and political support. At the same time, the US must not become directly involved in the conduct of the operation;
5) regional states must not assist any of the parties to the conflict. They can also support the operation by taking a leadership or assistantship role; and
6) the operation should adhere to the three traditional principles of peacekeeping: consent, impartiality, and limited use of force.

CHAPTER EIGHT

UN PEACEKEEPING IN INTERNAL CONFLICTS

The introductory chapter of this dissertation outlined the twin aims of this study. The first objective was to explain, based primarily on case studies of the operations in Cambodia, Somalia, and Bosnia, the UN's peacekeeping performance in internal conflicts. The previous chapter completed this part of the dissertation with an examination and argument for the variables which have determined the effectiveness of peacekeeping operations in internal conflicts. The second objective was to answer a somewhat broader question: "What are the implications of these recent operations for the legal, moral, and institutional arguments concerning United Nations peacekeeping in internal conflicts?" The arguments which have been at the forefront of debate about the UN's role and were first outlined in detail in Chapter 2, now will be assessed in light of the evidence compiled from the operations in Cambodia, Somalia, and Bosnia, supplemented by information from other UN operations. The objective of this chapter will be to set out a position on these questions based on experiences that the case studies have provided.

The structure of this chapter will be based on the three main areas of contention that have been most prominent in the debate over the role of UN peacekeeping in internal conflict resolution. First, the international legal dimension, based primarily on the principles of sovereignty and non-intervention, will be examined. Second, the moral issues surrounding UN peacekeeping in internal conflicts will be assessed. Third, the institutional capability of the UN (both in the field and at its headquarters in New York) to conduct peacekeeping operations effectively in internal conflicts will be analyzed.

THE LEGAL DIMENSION

Is UN peacekeeping in internal conflicts legal? The cornerstone for those who advocate greater UN intervention into internal conflicts is that the doctrine of non-intervention has been substantially weakened. Nafziger, Nanda, Chopra and Weiss, and others have argued that the operations in Northern Iraq, Somalia, and Bosnia were precedent-setting. They argue that the sovereignty of these three states was diminished as a result of UN-authorized military interventions for the protection of human rights and the limiting of a state's armies freedom of movement (through no-fly-zones, and safe havens). As a result, the legal proscriptions on UN peacekeeping in internal conflicts have been removed.

This view has been opposed by critics who argue that the doctrine of non-intervention has, in fact, not been diminished. These critics base their disagreements on two main points. First, several writers, like Schachter, Mayall, and Stedman, have characterized the cases cited as being exceptional, and therefore not applicable to other situations. Meanwhile other scholars, like Stromseth, Lewis, and Ero and Long, note that there are many countries, primarily small ones, but also larger and more powerful ones like India and China, which are opposed to any attack on sovereignty, and will prevent the more interventionist countries in the UN, and on the Security Council, from permitting the UN to take on this role.

To assess the relevance of these legal arguments for UN peacekeeping in internal conflicts, the three cases (and other recent peacekeeping operations) will be further probed to determine their legal implications. In particular, two aspects of an operation need to be examined: first, the use of Chapter VII in establishing peacekeeping operations; second, the degree of intrusiveness into the domestic affairs of the target state that was contained in the mandate of the peacekeeping operation.

i) CHAPTER VII PEACEKEEPING

The UN Charter was quite clear in its enunciation of the principle of non-intervention. Article 2(4) proscribed "the threat of use of force against the territorial integrity or political independence of any state." Article 2(7) stated that

> nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

An examination of the establishment of peacekeeping operations in internal conflicts reveals a general pattern of adherence to this principle. For instance, even in the case of protecting the Kurds in Northern Iraq, there was a memorandum of understanding between then-UN Secretary-General Perez de Cuellar and Iraqi President

Saddam Hussein. There was a need to obtain Iraq's consent, although, as Guillot recognized, "its acquiesence was more coerced than voluntary."[1] In addition, the UN obtained consent from the Phnom Penh regime and the CGDK, who both claimed to be the legitimate holder of Cambodia's sovereignty, through their signatures on the Paris Accords. In Bosnia, the UN was able to secure consent to the deployment of UNPROFOR from the internationally recognized, and UN member state, Government of the Republic of Bosnia and Herzegovina. Finally, the UN's adherence to non-intervention was illustrated when Croatian President Tudjman announced that he wanted UNCRO to leave Croatian territory.[2] Tudjman's request was very similar to the situation in 1967 when Egyptian President Nasser demanded the removal of UNEF. However, in this instance diplomatic pressure was applied by the UN and members of the P-5 to persuade President Tudjman eventually to change his position.[3] Rather than refusing to leave, or using Chapter VII provisions to by-pass issues of sovereignty, the UN negotiated a continuance of its mandate in Croatia.[4]

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[1] Philippe Guillot, "France, Peacekeeping and Humanitarian Intervention" International Peacekeeping 1/1 (Spring 1994): 33.

[2] S/1995/28, Annex, 12 January 1995.

[3] S/1995/206, 12 March 1995.

[4] Following the Croatian army's victory over rebel Serbs living in Western Slavonia (May 1995) and the Krajina (August 1995), UNCRO was withdrawn. However, a new operation, the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) was established to reduce tensions between Croatia and the ethnic Serbs living in the region along the Croatian-Serbian border.

Nevertheless, the real legal test concerning the establishment of peacekeeping operations in internal conflicts lies with those cases where Chapter VII was used. Article 42 of Chapter VII gives the Security Council authority "to take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security." In addition to granting the UN the right to use force, Chapter VII also forsakes any consideration of host state consent. It is this second aspect of Chapter VII which affects the non-intervention doctrine as outlined in Article 2(7). The use of Chapter VII provisions met the letter of the law, but was the spirit of non-intervention violated? To assess these legal implications, an examination of those cases (Somalia, Haiti, and Rwanda)[5] where the UN determined that a threat to international peace and security existed and authorized missions under Chapter VII must be completed. In particular, two questions must be addressed. First, since all three peacekeeping operations followed UN-authorized military interventions, why did the Security Council refer to each situation as a threat to international peace and security? Second, why was UNOSOM II, but not UNAMIR II and UNMIH II, also authorized to operate under Chapter VII?

The UN authorized UNITAF's military intervention because of Somalia's grave humanitarian crisis. This included violence against relief workers trying to alleviate the consequences of the famine. However, as Boutros-Ghali's noted in his options letter of November 30, 1992,

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[5] NATO was also given Chapter VII powers to assist UNPROFOR in the performance of its mandate in Bosnia. However, this case will not be examined because the officially recognized government of Bosnia [the Muslims] consented to the inclusion of Chapter VII in the mandate.

> no government exists in Somali that could request and allow such use of force. It would be necessary for the Security Council to make a determination under Article 39 of the Charter that a threat to the peace exists, as a result of the repercussions of the Somali conflict on their entire region, and to decide what measures should be taken to maintain international peace and security.[6]

The Security Council did define the situation in Somalia as a threat to international peace and security, but they never explained how this could occur.[7] "It may be inferred," as Hutchinson has suggested, "that the Security Council was concerned about massive refugee movement and the possible spilling over of violence into neighbouring states."[8] Nevertheless, this was not made explicit in the resolution. The Security Council simply determined that a threat to international peace and security existed in Somalia, whether one really existed or not, because it was a necessary legal requirement for UNITAF's humanitarian intervention.

When UNOSOM II arrived in Somalia in March 1993, it also operated under Chapter VII. This was because, as Boutros-Ghali wrote to the Security Council, "UNOSOM II will not be able to implement [its] mandate unless it is endowed with enforcement powers under Chapter VII of the Charter."[9] However, in authorizing UNOSOM II, the Security Council, as with Resolution 794, never explained why the situation in Somalia constituted a threat to international peace and security.[10] Even when Boutros-Ghali stated that Somalia "could effect the peace and stability of the entire region," he was also forced to admit that the crisis was "primarily of a domestic nature."[11]

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[6] S/24868, 30 November 1992.

[7] S/Res/794 (1992), which authorized UNITAF, did determine "that the magnitude of the human tragedy caused by the conflict in Somali, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitutes a threat to international peace and security."

[8] Hutchinson: 627.

An interesting point with regards to UNOSOM II was that, in contrast to the establishment of UNITAF, the UN did not cite the lack of an effective government as its reason to incorporate Chapter VII. Instead, as DPKO officials acknowledged, UNOSOM II needed to remain under Chapter VII because the USC/SNA would not consent to its mandate.[12] This indicated a shift in thinking inside the UN over the importance of the principle of non-intervention with respect to events in Somalia. Initially non-intervention still held sway in the UN, as it spent considerable time trying to obtain consent for UNOSOM I from the numerous Somali factional leaders. With UNITAF, the Security Council did intervene, but it stated that it was "responding to the urgent calls from Somalis for the international community to take measures to ensure the delivery of humanitarian assistance in Somalia."[13] The spirit of Article 2(4) may have been stretched with UNITAF, but Article 2 (7) was definitely superceded by the decision to give UNOSOM II Chapter VII powers to by-pass domestic opposition to its mandate.

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[9] S/25354, 3 March 1993.

[10] S/Res/814 (1993), which authorized UNOSOM II, only stated that "the situation in Somalia continues to threaten peace and security in the region."

[11] S/25354, 3 March 1993.

[12] Confidential interview, New York, Nov 10, 1994. Although Aidid (and Ali Mahdi) had consented to the unarmed observer component of UNOSOM I, this was revoked with respect to the armed Pakistani peacekeeping battalion. S/24859, 24 November 1992.

In Rwanda, the Security Council responded to the genocide being committed by Rwandese Government Forces (RGF) by authorizing France to lead a Chapter VII military intervention in June 1994. This was done to protect the "displaced persons, refugees and civilians at risk in Rwanda."[14] However, Resolution 929, as with earlier declarations of threats to peace and security, never specified how exactly the humanitarian crisis in Rwanda threatened the region. This is because the cause for the intervention was not Rwanda's threat to peace and security, but its humanitarian crisis. There were several credible arguments which could have been used to justify the decision. For example, there was the potential that the fighting in Rwanda could spill over into Burundi, or that it created strains on neighbouring states (Uganda, Zaire, and Tanzania) caused by the flood of refugees. Nevertheless, the Security Council chose not to make these arguments. Further evidence that there were humanitarian, not strategic, concerns that spurred the UN to action was the fact that the Security Council, fearful of another Somalia, "tried desperately to ignore the crisis in Rwanda."[15] Despite a plea for UNAMIR I's reinforcement by the Permanent Representative of Rwanda to the UN on April 19, 1994, the Security Council did not respond.[16] However, as the extent of the killing emerged, France, under extreme domestic pressure, volunteered to intervene. This offer was quickly accepted by a UN Secretariat which had been searching for leadership among the P-5. In short, the UN's decision to authorize *Operation Turquoise* was a clear violation of its traditional view of non-intervention because: a) the Security Council never believed that the situation in Rwanda constituted a legitimate threat to international peace and security; and b) the Rwandese Patriotic Force (RPF), which would eventually assume complete military and political control of Rwanda, strongly opposed the intervention.

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[13] S/Res/794, 3 December 1992.

[14] S/Res/929, 22 June 1994.

UNAMIR II, after it deployed following the French intervention, did not need to be provided with Chapter VII powers because the RPF consented to UNAMIR II's mandate. This was formalized in the Status-of-Forces Agreement signed by the UN and the Broad-based Government of National Unity (BBGNU), which was installed by the RPF on July 19, 1994 following its victory in the civil war.[17] In addition, Security Council members, the UN Secretariat, and other member states all opposed the formation of a Chapter VII peacekeeping operation for Rwanda because of the disastrous experience in Somalia. One indication of the reluctance of states to get involved in Rwanda was the significant difficulties UNAMIR II had in achieving its authorized strength.[18]

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[15] Confidential interview, DPKO official, New York, Nov 9, 1994.

[16] S/1994/470, 20 April 1994.

[17] S/1994/1133, 6 October 1994.

The UN became involved in Haiti following a 1991 coup d'état, led by General Raoul Cedras, which sent the democratically elected President Jean-Bertrand Aristide into exile. The culmination of the UN's efforts, which included the aborted UNMIH I mission in the fall of 1993, was Security Council Resolution 940. This authorized a US-led multinational force (MNF), under Chapter VII, to "use all necessary means" to restore Aristide.[19]

Did the situation in Haiti actually constitute a threat to international peace and security? Although Resolution 940 passed easily in the Security Council (only China and Brazil abstained), it faced significant opposition from many Caribbean and South American states. Venezuela, Mexico, Cuba, and Uruguay all claimed that the Haitian crisis was not a threat to the rest of the region, and that military intervention went against both the UN's and the region's traditional non-interventionary approach. This position was aided by the fact that the Security Council did not explain how the situation in Haiti constituted a threat to international peace and security. In fact, Haiti's threat to the region was absent from the principal arguments favouring the MNF that were made by Security Council members and the UN Secretariat. Boutros-Ghali never addressed the threat issue, emphasizing instead the "law-and-order aspects" of the proposed force's mandate, which made it "necessary for the Security Council to act under Chapter VII of the Charter in authorizing its mandate."[20]

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[18] S/1994/923, 1 August 1994.

[19] S/Res/940, 31 July 1994.

Meanwhile, US President Clinton, who was the chief advocate for military intervention, justified it on the basis of United States national security interests:

> - to restore democratic government into Haiti;
> - to stop the brutal atrocities that threaten tens of thousands of Haitians;
> - to secure our borders;
> - to preserve stability and promote democracy in our hemisphere; and
> - to uphold the reliability of the commitments we make and the commitments others make to us.[21]

The US was concerned over the flow of refugees. There were 14, 000 Haitians at the US naval base in Guantanamo.[22] Are refugee flows sufficient grounds for declaring a situation a threat to international peace and security? As Jose Alvarez remarked, "if waves of refugees, standing alone, are enough, the Council's license to authorize force has now expanded exponentially."[23] Despite these criticisms, there is a growing view that refugee flows are a threat to international peace and security. Dowty and Loescher have argued that "large-scale movement of people across national borders, under duress, internationalizes what might otherwise be purely domestic issues related to the causes of that movement." Therefore, "intervention to prevent refugee flows may be justified on security grounds."[24]

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[20] S/1994/828, 15 July 1994.

[21] US State Department, Dispatch (Sept 19, 1994): 613.

[22] Ibid: 606.

[23] Alvarez: 10. Also see Arend and Beck who assert that there is no support in international law for the position that refugees constitute a threat to international peace and security. Arend and Beck: 55.

Further clouding the issue was that both Aristide and the *de facto* Haitian authorities consented to the intervention. The consent of Haiti's military leaders was obtained during a last-ditch negotiating session led by former US President Jimmy Carter in September 1994. On September 17, 1994, the Haitian military authorities signed an agreement which stipulated:

> 15, 000 troops could land unopposed; Haitian military and police forces would co-operate with the US military during a transition to restore vital institutions; "early and honourable" retirement would be offered to "certain military officers" once an amnesty was voted into law or, by October 15, 1994; military activities of the US mission would be co-ordinated with the Haitian military high command; and the economic embargo and sanctions against Haiti would be lifted.[25]

It was obvious that the consent of the Haitian authorities was given under extreme duress due to the US threat of a much larger invasion. As President Clinton, in an address to the American people, asserted, "this agreement only came because of the credible and imminent threat of the multinational force...at the time the agreement was reached, 61 American planes were already in the air."[26] Thus, the Haitian agreement was reached through a direct contravention of Article 2 (4)'s prohibition on threats of force.

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[24] Alan Dowty and Gil Loescher, "Refugee Flows as Grounds for International Action" International Security 21/1 (Summer 1996): 44-45.

[25] "Military Force in Haiti" IPN (Oct 1994).

Why was UNMIH II, which followed the MNF's intervention, not given Chapter VII powers? In short, it was not necessary. With the Haitian military authorities now out of power, UNMIH II did not need the extra powers of enforcement that Chapter VII entailed. In addition, consent was not an issue because UNMIH II's mandate had been agreed to by the reinstated Aristide government in the Governor's Island Agreement.

By invoking Chapter VII in the cases of Somalia, Rwanda, and Haiti, the UN infringed upon their domestic affairs. By determining that each instance was a threat to international peace and security the Security Council was attempting to broaden the definition to allow for military interventions on humanitarian grounds. The Security Council did, in the Rwandan and Haitian cases, argue that it was "unique" circumstances which justified the utilization of Chapter VII.[27] Moreover, as Kirsch has asserted

> constitutionally, the Security Council avoids controversy by systematically invoking Chapter VII and therefore preserving considerable freedom in deciding on which measures are appropriate --- from classical peacekeeping to sanctions to safety zones to humanitarian assistance --- all within its broad mandate to preserve international peace and security.[28]

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[26] US State Department, Dispatch (Sept 19, 1994): 612.

[27] S/Res/929, 22 June 1994 and S/Res/940, 31 July 1994.

[28] Philippe Kirsch, "The Legal Basis of Peacekeeping" Canadian Defence Quarterly (Sept 1993): 23.

It is true that the letter of the law was upheld in the above cases, and that regardless, the Security Council is the final arbitrator in interpreting the UN Charter.[29] That being said, it appears that the Security Council is increasingly willing to invoke Chapter VII to implement peacekeeping operations. Prior to 1988, only one peacekeeping operation, ONUC, was authorized with Chapter VII powers. However, since that time there have been five operations which have either been given Chapter VII powers (UNPROFOR and UNOSOM II), or have followed a UN-authorized Chapter VII peace operation (UNIKOM, UNMIH II, UNAMIR II). In Stanley Hoffman's words, "threats to international peace and security" have been used as an "all-purpose parachute."[30]

The Security Council, by invoking Chapter VII in Somalia, Rwanda, and Haiti, has broadened the definition of a threat to international peace and security to include internal conflicts. In the future, internal conflicts can be considered threats to international peace and security if: deliveries of humanitarian aid have been disrupted by force, no effective government exists to authorize consent, genocide is being committed, or the conflict has created a high level of refugees. In these cases, precedents were set by the Security Council which will allow it, using Chapter VII, to authorize interventions "in matters which are essentially within the domestic jurisdiction of any state."

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[29] Charter of the United Nations, Article 25: The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter. For a critical discussion on the growing legal role of the UN Security Council see Alvarez: 5-20, and Ruth Gordon, "Article 2 (7) Revisited: The Post-Cold War Security Council" in Abiodun Williams; Jose E. Alvarez; Ruth Gordon; and W. Andy Knight, "Article 2 (7) Revisited" ACUNS Reports and Papers No. 5 (1994).

[30] Quoted in Weiss, "The UN and Civil Wars:" 200.

ii) PEACEKEEPING MANDATES AND DOMESTIC AFFAIRS

While the Security Council's use of Chapter VII in establishing recent peacekeeping operations has altered the UN's non-intervention doctrine, a more significant development was the scope of the missions. In particular, the peacekeeping operations in Cambodia and Somalia were authorized to attempt substantial national reconstruction. To determine the extent of the diminution of Article 2 (7) suggested by UN peacekeeping in internal conflicts, UNTAC's and UNOSOM II's mandates, and their implementation, must be examined.

The Paris Accords authorized UNTAC to assume a degree of authority over the domestic affairs of a state not seen outside of military occupation or colonial rule. It was unprecedented for the UN to assume responsibility for areas which had been in the exclusive domain of domestic jurisdiction. As Doyle has asserted, "there simply was no prior equivalent in which the UN took over an existing governmental structure as part of the peace settlement process."[31] In order to fulfil the legal requirements over consent to the peacekeeping operation, the SNC, which would "enshrine" Cambodia's sovereignty during the transitional period prior to the election, was created. Once the SNC was established, it "delegated to the United Nations all powers necessary to ensure the implementation" of the Paris Accords.[32] Although the SNC would provide the legal authority for UNTAC's mandate, it was actually conceived by the Security Council as a mechanism to *inhibit* Cambodian sovereignty. For instance, if the SNC could not agree on a decision, UNTAC was authorized to break the deadlock. UNTAC also possessed the power to determine whether SNC decisions were "consistent with the objectives" of the Paris Accords.[33] Although UNTAC never acted independently from the SNC, largely due to SGSR Akashi's efforts at consensus-building, the fact that it possessed the nominal legal authority to do so is significant.

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[31] Doyle, UNTAC's Civil Mandate: 36.

The powers that the SNC delegated to UNTAC included many that were exclusively in Cambodia's domestic jurisdiction. First, UNTAC was to take "direct control" of all of Cambodia's key civil administrative agencies (foreign affairs, national defence, finance, public security, and information). Second, UNTAC was to "organize and conduct," rather than simply monitor (as in Namibia and Nicaragua), the Cambodian election. In practice, despite its effectiveness in conducting the election, UNTAC was unable to prevent the Phnom Penh regime from maintaining its control over Cambodia's civil administration.

Did the operation in Cambodia represent an important shift in the UN's interpretation of Article 2(7)? Some legal scholars say no. For example, Ratner has argued that

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[32] A/46/608 - S/23177, 30 October 1991.

[33] Ibid.

> [t]he SNC's grant of authority to UNTAC in Article 6 of the Comprehensive Settlement Agreement should eliminate any questions about the consistency of UNTAC's mission with the ban under Article 2(7) on UN interference in matters within the domestic affairs of member states.[34]

In addition, James Schear, a former advisor to Akashi, has argued that the purpose of UNTAC was not to "run" Cambodia, but simply to "prevent or correct for actions impeding UNTAC's operations" and to "neutralize political bias in bureaucratic behaviour that could skew the environment for a free and fair election."[35] These arguments, when combined with the fact that UNTAC did not exercise its broad legal authority over Cambodia's civil administration, provide persuasive evidence that Article 2 (7) was being adhered to.

In Somalia, the UN went beyond civil administration and conducting elections, as they had attempted in Cambodia. In Boutros-Ghali's report recommending the creation of UNOSOM II, he stated that the objective of the operation was "to assist the people of Somalia to create and maintain order and new institutions for their own governance."[36] However, since Somalia lacked many basic institutions, UNOSOM II acted in more of a "control" than "assistance" role.[37] This is why Security Council Resolution 814, which established UNOSOM II, has been described as the "nation building" resolution. Boutros-Ghali provided both the impetus, as well as the justification for invoking the Chapter VII exemption to Article 2 (7), for UNOSOM II's mission when he stated that "the non-existence of a Government in Somalia is one of the main reasons for the now more robust role of the Organization in the country."[38]

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[34] Ratner, "The Cambodian Settlement Agreements:" 12 (n59).

[35] Quoted in Findlay: 13.

[36] S/24354, 3 March 1993.

[37] Chopra, et al: Cha. 5, para. 1.

However, just as in Cambodia, UNOSOM II was ineffective at reconstructing the Somali state. In fact, UNOSOM II's fate was even worse than UNTAC as it was forced to withdraw from Somalia in disgrace. UNOSOM II's inability to complete its mandate was discussed in detail in Chapter Five, but briefly stated, it was due to: the inability to broker a lasting agreement between the Somali parties; UNOSOM II's failure in disarming the Somalis; and UNOSOM II's war with Aidid. The depth of UNOSOM II's mandate, notwithstanding its ability to implement it, illustrated that, as Hutchinson has argued, "the Security Council now has the power not only to intervene in the domestic affairs of a state violating humanitarian law, but can also administer the country itself in the absence of a viable and acceptable government."[39]

When peacekeeping operations started to engage in areas of governance the strains on non-intervention became more pronounced. Cambodia and Somalia demonstrated the extent to which UN peacekeeping operations could now intrude into the domestic affairs of states. There may have been mitigating circumstances in each case. For example, in Cambodia the four parties agreed, through their signing of the Paris Accords, to UNTAC's mandate. In Somalia, there was no government which could offer either consent or dissent to UNOSOM II's mandate. Moreover, in both cases the operations, with the notable exception of UNTAC's role in the Cambodian election, were unable to fulfil their domestic responsibilities.

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[38] S/24354, 3 March 1993.

[39] Hutchinson: 634.

Nevertheless, the significance of UNTAC and UNOSOM II does not lie in the implementation of their mandates, but in their content. The Security Council, through their drafting of the two mandates, was willing to authorize peacekeeping operations to undertake tasks which had previously been in the domain of domestic jurisdiction. It is in this way that UNTAC and UNOSOM II are likely going to influence future peacekeeping operations.

In 1945, John Foster Dulles, a principal advisor to the US delegation at the UN Conference in San Francisco, and who would later become Secretary of State during the 1950s, told a Senate hearing on the UN Charter that Article 2 (7)

> is an evolving concept. We don't know fifteen, twenty years from now what in fact is going to be within the domestic jurisdiction of nations. International law is evolving, state practice is evolving. There's no way we can definitively define in 1945 what is within the domestic jurisdiction. Let's just let this thing drift a few years and see how it comes out.[40]

The UN's experience in Cambodia, Somalia, Haiti, and Rwanda has proven Dulles correct as there has been a definite drift in the concept of domestic jurisdiction. The Security Council, in establishing Chapter VII peacekeeping operations and drafting mandates which take on many domestic functions, has developed a new standard for interpreting Article 2 (7). Henceforth, to facilitate peacekeeping operations, the Security Council may utilize the Chapter VII exemption to Article 2 (7) for either a prior UN-authorized military intervention or for the actual peacekeepers. In addition, peacekeepers may be authorized to perform tasks which were formerly in the exclusive domain of states.

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[40] Quoted in Whitman: para. 28.

THE MORAL DIMENSION

Is UN peacekeeping in internal conflicts moral? It has been argued by, among others, Helman and Ratner, Goldman, and Donnelly that, for moral reasons, the UN must become involved in internal conflicts. A new humanitarian regime has emerged in the world which demands UN intervention to prevent substantial human rights abuses, starvation, and genocide. Moreover, there is a moral obligation for the UN, as a universal body, to help alleviate the suffering of civilians caused by civil war. Even if the combatants cannot be stopped from fighting, an effort must be made to assist those innocent bystanders caught in the middle. This moral imperative is particularly strong when faced with the tragedies of "failed states."

On the other side, writers like Hehir, Chubin, Martin, and Damrosch question the morality of permitting UN peacekeeping in internal conflicts. Central to this view is the belief that the UN is not a value-free organization. It is argued that when the UN-authorizes a military intervention it is only reflecting the Security Council's great power dominance. Peacekeeping in internal conflicts simply perpetuates great power hegemony. Regardless of the stated humanitarian objectives, serious reservations are raised when the UN allows Russia into Georgia (a former Soviet Republic), France into Rwanda (a former colony), and the US into Haiti (which it used to occupy). The UN's maintenance of neutrality in internal conflicts is also morally suspect, because it places both aggressor and victim on the same moral plane. Finally, there is a question of whether UN military intervention causes more damage than it does good. In particular, it is possible that more deaths could be caused through UN-sanctioned military intervention, than would otherwise have occurred.

How are these moral arguments to be assessed in light of the peacekeeping operations in Cambodia, Somalia, and Bosnia? There are, at least, six questions which have emerged from these operations which influence this debate. What is the UN's moral obligation to resolve internal conflict? What are the politics surrounding the delivery and/or protection of humanitarian assistance? How should the UN deal with suspected war criminals? Is UN peacekeeping a form of imperialism? How should the UN choose where to establish peacekeeping operations? What effect does the behaviour of the peacekeepers have on the target country? Following a discussion of these six questions, a brief summary will weigh the various moral considerations of peacekeeping in internal conflicts.

i) THE UN'S OBLIGATION TO RESOLVE INTERNAL CONFLICT

What is the UN's moral obligation to resolve conflict? The UN, as a global institution, has a moral responsibility to maintain the peace and security of the international community. As the preamble to the UN Charter begins: "We the Peoples of the United Nations Determined to Save Succeeding Generations from the Scourge of War..." This was an eloquent description of the UN's *raison d'étre*. Although the Framers of the Charter took great care in defining the UN's jurisdiction, as the preceding section explored, these are legal niceties. Morally, the UN cannot ignore certain types of internal conflicts. For example, when parties from a member state ask the UN for peacekeeping assistance in the implementation of a peace agreement, there is a strong moral obligation on the UN to provide it. This moral obligation has now been extended to cases of large-scale humanitarian need. The first Under-Secretary-General for Humanitarian Affairs, Jan Eliasson, pointing to the creation of the DHA, has argued

> [w]e have not yet reached this stage when it comes to human rights or to other internal developments, and I think movement in this direction is seen by some developing countries as reason for concern. But in terms of humanitarian situations there has been acceptance.[41]

Does the UN's moral obligation include internal conflicts? As an organization of states, the UN "is wedded by inclination and history to a view of the world in which the nation-state" is its foundation.[42] Recent peacekeeping operations also seem to suggest that the UN does not believe it has a moral obligation to intervene in internal conflicts. The UN's intervention in Somalia was based purely on moral grounds, but it was strongly pushed. For example, James Jonah, the Senior UN official responsible for Somalia when the civil war broke out, has said that through most of 1991 there was no thought of the UN going beyond simply delivering humanitarian aid.[43] Peacekeeping was not considered. In addition, it took significant media pressure, public opinion, and some embarrassing comments from the UN Secretary-General and the President of the Security Council (both Africans) to convince the US to initiate, and the UN to authorize, *Operation Restore Hope*.

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[41] Jan Eliasson, "The U.N. and Humanitarian Assistance" Journal of International Affairs 48/2 (Winter 1995): 493.

It is also difficult to see Somalia as precedent-setting. Faced with an even worse crisis in Rwanda two years later the Security Council failed to act until it was too late. A DPKO official has argued that the Security Council "would like to ignore, and they tried desperately to ignore Rwanda, but public opinion didn't allow it. So they came into Rwanda."[44] In a sense he is right, France did go into Rwanda. However, by the time *Operation Turquoise* was launched over half a million Rwandans had died. In the case of Rwanda, intervention waited until the UN's moral obligation could be intersected with political and military feasibility.

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[42] David Rieff, "The Illusions of Peacekeeping" World Policy Journal 11/3 (Fall 1994): 13.

[43] John L. Hirsch and Robert B. Oakley, Somalia and Operation Restore Hope: Reflections on Peacemaking and Peacekeeping (Washington, 1995): 17.

[44] Confidential interview, New York, Nov 9, 1994.

Further negating the view that the UN has a moral obligation in instances of internal conflicts is the fact that the UN has ignored many of these types of conflicts. For example, do the people of Sudan who have died because of war-induced famine, or the East Timorese who have died because of Indonesia's repression, think that the UN believes that it has a moral obligation to intervene? At most, the UN's moral obligation may only play an agenda-setting role, it certainly has not grown to where the UN will take action.

In sum, it is doubtful that the UN has a moral obligation to prevent intrastate conflict as well as interstate conflict. A partial case can be made for Somalia, but that was an anomaly. Did the UN feel obligated to intervene in Rwanda? How about Burundi? If the UN possessed a moral obligation to intervene in civil wars, why did it wait 25 years before becoming involved in Cambodia? As an institution of states, the UN was not designed to become involved in internal conflicts. Thus, the UN cannot be seen as having a moral obligation to prevent, constrain, or resolve internal conflicts.

ii) THE POLITICS OF HUMANITARIAN ASSISTANCE

What are the politics surrounding the delivery of humanitarian assistance? In two of the operations examined in this dissertation, UNOSOM II and UNPROFOR, humanitarian assistance was the chief component of the peacekeepers mandate. There is a significant moral dimension to the delivery, and armed protection, of humanitarian assistance. Therefore several important questions must be addressed before a determination on the morality of humanitarian assistance through UN peacekeeping can be made.

Should UN peacekeepers engage in humanitarian assistance? This is not to question whether humanitarian assistance should be given, but whether armed peacekeepers should be used to protect deliveries. In both Somalia and Bosnia, many lives were saved by the introduction of the peacekeepers. For example, UNPROFOR's opening of the Sarajevo airport, and the subsequent massive airlift of food and medicine, kept many civilians alive over the 3 1/2 years. In addition, UNPROFOR was able to mitigate the full impact of the war, thereby enhancing the living conditions for many Bosnian civilians. The citizens of Sarajevo may have lived under uncomfortable conditions, with threats of shelling and snipers, but there is little doubt that their lot would have been worse without the presence of the peacekeepers.

Meanwhile in Somalia, UNITAF and UNOSOM II were needed to halt the starvation of Somalis. The peacekeepers were required because Somalia's famine was not caused exclusively by climatic conditions, but by Warlords and other armed gangs stealing food aid. Humanitarian groups were either scared off from operating in Somalia due to the civil war, or were subject to extortion by Somali gangs. They were forced to either hire Somali security guards to protect their deliveries, or suffer continual robberies. At the time of deployment most NGOs in Somalia were grateful for the arrival of the peacekeepers.[45] Since then, however, it has become "almost de rigueur to concentrate on the failings of UN military humanitarianism."[46] Despite these criticisms, other humanitarian organizations, such as Oxfam, have argued that, "in many situations of conflict, the fulfilment of our mandate to alleviate poverty is increasingly dependent on UN protection."[47] Clearly there is a threat of an escalation of violence and further politicization of aid when armed UN peacekeepers take on humanitarian mandates, but this threat should not curtail the necessity of legitimate protection from theft in anarchical situations. The determining factor lies more in the implementation of the peacekeeping operation, not in the overall normative character of the concept.

Who gets the aid? In Bosnia the protection of aid led to charges, from all sides, of bias. Cedric Thornberry, head of UNPROFOR's civil affairs until 1994, complained that

> while UN bodies and some NGOs are organically committed to impartiality, other NGOs are partisan, and make no pretence about it. They nevertheless often expect full assistance --- including, at times, protection --- from the UN.[48]

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[45] Sapir and Deconnick: 167.

[46] Hugo Slim, "Military Humanitarianism and the New Peacekeeping" Journal of Humanitarian Assistance [http://www.jha.cam.ac.uk] (Sept 22, 1995): para. 11.

[47] Quoted in Slim: para. 11.

[48] Thornberry: para 5.

Every time UNPROFOR would deliver humanitarian assistance to civilians on one side of the conflict, the other side would charge bias. This was exacerbated by the fact that the majority of all humanitarian aid in Bosnia was delivered to the Muslims. This potential for partiality in delivering aid led the parties to the conflict to resort to the practice of linkage. This only worsened the problem. Also contributing to charges of bias was the UN's protection of, primarily Muslim inhabited, safe areas in Bosnia. When the Muslim army began to initiate fighting from inside the safe areas it strengthened Bosnian Serb perceptions that UNPROFOR was a Muslim ally. Even though the safe area concept failed, as the sacking of Zepa and Srebrenica testified, their creation, although for humanitarian purposes, damaged UNPROFOR's impartiality.

The use of UN peacekeepers to protect and/or distribute humanitarian aid inevitably, even if unconsciously, leads to a shift in a conflict's balance of power. Humanitarian aid frequently becomes the currency of internal conflicts. This is why the Somali Warlords, in particular Aidid, opposed the introduction of peacekeepers to protect humanitarian aid. Aidid's power was enhanced by his control of the aid shipments. He used stolen aid to reward supporters and punish opponents. Therefore, when UNITAF and UNOSOM II started to protect the aid, Aidid saw it as a threat to one of his sources of power. In short, decisions regarding the protection and/or distribution of aid become decisions over which parties benefit and which do not.

In addition, humanitarian assistance, as Weiss has remarked, "plays into war strategies by opening up roads and stimulating an aid-cum-war economy."[49] This means that there are criminals who economically benefit from the delivery of humanitarian assistance. For example, Fikret Abdic, a Bosnian Muslim, had cornered the black market on humanitarian aid to Bihac by cutting deals with all of the relevant actors.[50] This meant that it was Abdic, not the relief agencies, who determined the aid recipients. In essence, UN peacekeepers were supporting an organized criminal organization by helping to transport humanitarian aid. This is far removed from the belief that the protection and/or distribution of humanitarian aid by UN peacekeepers is a moral activity.

Does the provision of humanitarian aid prolong the conflict? Attempting to mitigate the effects of war sometimes has the unfortunate consequence of making war more tolerable. This lengthens the time before "fighter fatigue" can set in, enabling the war to continue. Although Thornberry has maintained that aid should have been provided in Bosnia, he was forced to admit that "humanitarian relief has probably prolonged the war."[51] Similarly in Somalia where, as Weiss has noted, the "looting, corruption and the extortion of assistance was effectively fuelling the war."[52] Moreover, it is often the armies who are first to receive humanitarian supplies. This is despite the best efforts of peacekeepers and humanitarian groups to target aid to civilians. This leaves the peacekeepers open to charges that they are "feeding the armies." For example, the UN noted that the Bosnian parties would "seiz[e] a proportion of humanitarian cargoes for [their] own use."[53] Estimates are that at least one third of all aid to Bosnia ended up in the hands of the various armies.[54] Meanwhile in Rwanda, many NGOs felt obligated to withdraw because the RPF had effectively taken control of the distribution of almost all humanitarian aid.[55] In short, there is a good chance that the provision of humanitarian assistance can actually prolong the conflict.

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[49] Larry Minear and Thomas G. Weiss, Humanitarian Politics Headline Series No. 304 (Ithaca, NY, 1995): 42.

[50] Montreal Gazette (Feb 21, 1996): B1.

[51] Thornberry: para 41.

Does a humanitarian peacekeeping mandate preclude other options? It is true that the Security Council gave UNPROFOR a humanitarian mandate rather than authorizing a full-scale military intervention of Bosnia. UNPROFOR, in the words of Thomas Weiss, was a "powerful diversion" from what should have been the primary objective of ending the war.[56] As an NGO worker in Sarajevo noted, "People look at us as if to say, `We know you're feeding us to compensate for the fact that your governments won't act.'"[57] "The question is," as David Rieff has asked, "is whether in saving these lives, the United Nations did not also --- by forestalling military intervention or the lifting of the arms embargo against Bosnia --- guarantee the Serb victory and the completion of the campaign of ethnic cleansing."[58] Rieff's view is a bit too black and white. The Security Council did not support the authorization of a peace-enforcement operation against the Bosnian Serbs. The fact that there was a fierce debate in the US over contributing 20,000 troops to IFOR shows that it was extremely unlikely that the US would have become involved in a Balkan war. Similarly, if the major European powers were dependent upon the US to supply 1/3 of IFOR, it shows that, they too were unwilling, or incapable, of going to war. The creation of UNPROFOR occurred because the international community was not prepared to take stronger action. That being said, UNPROFOR did provide several national governments with a face-saving gesture.

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[52] Weiss, "Military-Civilian Humanitarianism:" 170.

[53] S/1995/444, 30 May 1995. Also see Thornberry: para. 43.

[54] Gow: 98.

[55] David Rieff, "The Humanitarian Trap" World Policy Journal 12/4 (Winter 1995-96): 9.

In sum, there is no moral certainty with regards to the use of peacekeepers in the delivery of humanitarian assistance. The theory of humanitarian assistance may indeed by moral, but its implementation can have unethical side effects. In Somalia, there is little question that UNITAF and UNOSOM II initially saved hundreds of thousands of lives. However, the overall life-saving effect has been short-term. How many of the people that UNOSOM II saved in 1993-94, have died in the years following its withdrawal? In the case of UNPROFOR, the living conditions of many Bosnian civilians were improved, but it may have also contributed to a longer war. In addition, did UNPROFOR's humanitarian efforts lead unwittingly to the conclusion of the Dayton Peace Agreement, which may not be in the best interests of the Muslims? Would the Muslims have been better off fighting, and even losing, a war with the Bosnian Serbs rather than succumbing to a bad peace?

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[56] Thomas G. Weiss, "Military-Civilian Humanitarianism: The `Age of Innocence' is Over" International Peacekeeping 2/2 (Summer 1995): 166.

[57] Larry Minear, "The Evolving Humanitarian Enterprise," in The UN and Civil Wars: 98.

[58] Rieff, "The Illusions of Peacekeeping:" 12.

iii) DEALING WITH WAR CRIMINALS

In conducting peacekeeping operations, how should the UN deal with local parties which have committed gross atrocities? In each of the three cases studied, peacekeepers treated as equal stake-holders, parties which were exceptionally odious: the genocidal Khmer Rouge; Somali Warlords who were responsible for starving their own people by stealing food shipments; and the Bosnian Serbs who built concentration camps and committed ethnic cleansing. Why did the peacekeepers not try to hold accountable, or at least, isolate these war criminals?

Human Rights Watch/Africa has criticised UNOSOM II because it "dealt with the war leaders as if with national leaders, but without holding these claimants... accountable for their actions." They also argued that, "in some ways, UNOSOM actually boosted the power of the Mogadishu war leaders --- by providing a source of political legitimacy, huge amounts of cash, and even arms." A final charge was that collusion between UNOSOM II and faction leaders meant that other peaceful alternatives were neglected, which contributed to local power struggles, undermining the entire operation.[59]

A secondary complaint of human rights groups was that the UN also encourages amnesty for high-level mass murderers. For instance, Kenneth Roth, the executive director of Human Rights Watch, has condemned the UN for failing to "prosecute Somali warlords or Cambodia political killers."[60] In addition, despite warrants for the arrest on war crimes of the Bosnian Serb political leader, Radovan Karadzic, and his military commander, General Ratco Mladic, it is extremely unlikely that either will ever see the inside of a courtroom.

However, there are, in fact, moral arguments in favour of "making peace with the guilty."[61] First, to resolve the conflict the UN must deal with all the parties, no matter what their character is. The Khmer Rouge, the Somali Warlords, and the Bosnian

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[59] "UNOSOM Operation Criticised" IPN (May 8, 1995).

[60] Quoted in Eva Bertram, "Reinventing Governments: The Promise and Perils of United Nations Peace Building" Journal of Conflict Resolution 39/3 (Spring 1995): 398.

[61] Charles Boyd, "Making Peace with the Guilty: The Truth about Bosnia" Foreign Affairs 74/5 (Sept/Oct 1995): 22-38.

Serbs were all major actors in the conflict and were not without power and support. It would have been impossible to conduct a peacekeeping operation and refuse to negotiate, and treat as equals, one of the parties to the conflict. The higher good of an effective peacekeeping operation, which would substantially reduce the loss of life, outweighs the negative connotations concerned with including war criminals in the peace settlement. Second, while there may indeed be parties to the conflict whose behaviour has been more outrageous than others, there are few innocents in internal conflicts. The Bosnian Croats and Muslims committed their share of atrocities, although not to the same extent as the Bosnian Serbs. As Boyd has commented, "there are times when the distinctions among the factions appear more a question of power and opportunity than morality."[62] It is a mistake to confuse weakness with virtue. Third, as Soren Jessen-Petersen, a UNHCR senior official, stated, "if we leave, however we justify it to ourselves in terms of not collaborating with criminals, what it means on the ground is that we are abandoning the innocent civilian population to its fate."[63] Fourth, in those cases where the UN did single out a party to the conflict for special treatment, UNOSOM II's war against the USC/SNA and NATO's air strikes against the Bosnian Serbs, it was ineffective. For example, UNOSOM II's defeat at the hands of Aidid's forces precipitated the withdrawal of the peacekeeping operation. In the case of Bosnia, the Bosnian Serbs may have been bombed into accepting a peace plan, but its chief war aim, existence as a sovereign territory, appears to have been met.

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[62] Boyd: 29.

[63] Quoted in Rieff, "The Humanitarian Trap:" 9.

On balance, it may not be entirely moral to treat war criminals as equals, but that is the only possible way that an effective peacekeeping operation could take place. In fact, if an operation was effective, which would necessitate the involvement of all the parties to the conflict, than a higher good --- a reduction in suffering --- would have been obtained. However, there are steps that the UN has taken, or could take, to weed out the worst offenders. UNTAC, for example, did not negotiate directly with Pol Pot: instead the Khmer Rouge was represented by Khieu Samphan. In Bosnia, there have been attempts to force Karadzic and General Mladic to resign from leadership positions with the Bosnian Serbs, rather than making martyrs out of them through a war crimes trial. It is important to remember that, as former US Secretary of State Lawrence Eagleburger put it, "how do you arrest generals who are still fighting a war? No one has lost yet --- so who can you prosecute?"[64]

iv) PEACEKEEPING AS IMPERIALISM

It has been said that the UN has no vested interests beyond that of global peace. Nevertheless, some critics have suggested that to assume that the UN is not without its own agenda is an "illusion."[65] Instead of brokering agreements between the parties to the conflict, there are times when the UN attempts to impose an agreement. In pursuing its objectives in this top-down fashion, the UN has been accused of acting imperialistically. David Rieff, for one, has suggested that "UN agencies in the field act in ways that resemble those of colonial administrators in the age of the great European empires."[66]

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[64] "60 Minutes" CBS Television (Oct 9, 1994).

[65] Rieff, "The Illusions of Peacekeeping:" 2.

It is not just for their attitude that UN officials have been criticized. These imperialist attitudes can sometimes be translated into policies which do not take into account the needs of the people that they are trying to help. Hussein Bolhan, a founder of the Centre for Health and Development, has asserted that UNOSOM II was "a self-feeding machine that had less to do with Somalis than institutional interests."[67] In the case of Cambodia, Pierre Lizée has argued that the UN tried to impose democratic institutions on Cambodian society, instead of trying to build democracy and peace "within the environment created by factional politics and from the social dynamics which prevailed in Cambodia."[68]

This perception of UN imperialism is something that the UN must address. On the other hand, there is a lot of truth in Boutros-Ghali's medical analogy: "a doctor will try to heal the sick, but only if they will follow his prescribed treatment." If a country wants the UN to assist in the resolution of its conflict, then it is going to have to take the advice of the UN Secretariat and the Security Council members. In addition, the UN is committed to upholding certain basic human values. For instance, SGSR Akashi's quashed Cambodia's proposed electoral law because it discriminated on the basis of ethnicity. Some states may be critical of the UN enforcing these ideals, because they strike at Western beliefs. However, beliefs like "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" may have originated in the West, but they have now been universalized to the extent that they were placed in Article I of the UN Charter. Thus, when the UN intervenes in an internal conflict, it should be expected that it will promote the values contained in its Charter.

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[66] Rieff, "Accomplice to Genocide:" 37.

[67] "UNOSOM Operation Criticised" IPN (May 8, 1995).

[68] Pierre Lizée, "The Challenge of Conflict Resolution in Cambodia" Canadian Defence Quarterly (Sept 1993):42.

v) THE ETHICS OF CHOOSING PEACEKEEPING OPERATIONS

How should the UN choose where to establish peacekeeping operations? This is one of the most contentious issues facing the UN. No matter what decision the UN takes there will be accusations of double-standards. Even the Secretary-General has used this argument when, in drumming up support for a mission to Somalia, he derided the Security Council's preoccupation with the "rich man's war" in Bosnia. Obviously the moral implications are significant when the UN chooses which conflicts to send its peacekeepers to.

Given the UN's finite resources, should it use triage in deciding where to deploy peacekeepers? Should the UN tackle only those internal conflicts that are most susceptible to the peacekeeping treatment? There are indeed consequences for the UN when one of its operations fails. For example, the US responded to the failure in Somalia with PD-25. This new presidential policy on peacekeeping was designed to keep the UN out of difficult operations by creating strict criteria for the establishment of any UN peacekeeping operation. A retired US Marine General has referred to PD-25 as "the doctrine of limited tears. We can't cry for everyone, so we should have some measure that helps us to decide where and when to get involved."[69] Due to the American veto on the Security Council, PD-25 has effectively become UN peacekeeping policy. The first result of PD-25 was the delayed response of the UN to the crisis in Rwanda. Without the residue of its failure in Somalia, and to a lesser extent Bosnia, would the UN have reacted quicker in the case of Rwanda?

On the other hand, there is a high moral price to pay for ignoring tough, usually humanitarian, operations. Are innocent civilians to die because the UN will not provide peacekeepers to protect humanitarian shipments? Is the international community prepared to accept the destruction and loss of life caused by intractable conflicts? Are civilians in apparently unresolvable conflicts worth less than those in resolvable conflicts?

A DPKO official has succinctly described the moral dilemma facing the UN:

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[69] Quoted in Minear and Weiss, Humanitarian Politics: 36.

> you can do the feel-good things, take the sure successes, and leave the rest. In which case much of the world won't understand, and you're on very tricky moral ground. Or you can take more risks, get involved in very messy situations, which can bring the whole house down...[and] damages the credibility of the Organization so much so that you can't then do simpler things.[70]

A possible solution to the dilemma of choosing where to deploy peacekeepers may be to restrict operations to those conflicts where they can be most effective. Chapter Seven identified a set of conditions for an effective peacekeeping operation in an internal conflict, and this could be used to identify those types of conflicts which would be most susceptible for a peacekeeping operation. This would mean more operations like UNTAC would be established, and operations like UNOSOM II and UNPROFOR would be avoided. Concentrating on those internal conflicts where peacekeepers could be most effective would minimize the resource-draining quagmire scenarios. This would greatly reduce the potential that the UN would be unable to respond to a conflict which could have been managed effectively by a peacekeeping operation. In making these decisions, the UN would still be making the distasteful choice over which lives were worth saving, and which were not. However, the decision would now be based on where scarce peacekeeping resources could do the most good, not some other vague type of criteria.

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[70] Confidential interview, New York, Nov 9, 1994.

vi) PEACEKEEPING BEHAVIOUR

What effect does the behaviour of the peacekeepers have on the target country? Lately it seems that every operation has had its share of horror stories: US soldiers offending Muslim values by skinny dipping in Somalia; Canadians torturing and murdering Somali civilians; Dutch peacekeepers "luring Bosnian children into a field to check for landmines by throwing sweets into the area;"[71] and UNTAC's Bulgarian contingent becoming involved in prostitution and smuggling. While professional conduct should be a fundamental part of all peacekeeping operations, its importance is greater in internal conflicts because of the greater level of civilian contact. In addition, in cases of delivering humanitarian assistance, or conducting elections, the peacekeeping force must establish a high level of trust with the target country's civilians, and this trust can be destroyed for the entire force by deplorable actions from a few peacekeepers. As Warner noted, the Bulgarians did "substantial damage to UNTAC's standing and credibility in the province in which they were deployed and more broadly."[72]

These examples suggest that the introduction of peacekeepers into a country, many from different cultural backgrounds, may not have an entirely benign influence. There will likely be a proliferation of prostitution, rape, and crime. Moreover, the peacekeeping operation will have a serious inflationary effect on the target country due to the influx of hard currency. Ironically, the damaging effects on the target state by the peacekeepers actually increases when the operation ends. The sudden removal of thousands of relatively well-paid workers will have a depressing effect on the local economy. Not only will local businesses --- restaurants, hotels, taxis, etc --- suffer, but local civilians who gained employment with the UN mission will suddenly find themselves out of work. These problems are heightened when the operation leaves in failure. For instance, Human Rights Watch/Africa has criticized the UN for the "apparent indifference" it has shown towards thousands of Somali employees, who have since been stigmatised for their links to the organization.[73]

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[71] "Dutch Inquiry Into PK Misconduct" IPN (May 1995).

[72] Quoted in Findlay: 139-140.

Clearly the UN must take steps, as Cambodian Minister for Culture and Fine Arts Nouth Narang stated, to rectify its "dark side" to "avoid detrimental effects on local societies in the future."[74] The DPKO has responded to these criticisms by crafting a "code of conduct" for forces participating in peacekeeping operations.[75] However, the enforcement of such a code will remain uneven because it depends upon the national contingents, whose attitudes regarding discipline greatly vary. While there were court martials in Canada, Belgium, and the US over acts committed by peacekeepers in Somalia, in several instances justice was never achieved. For example, the Bulgarian contingent to UNTAC which was sent home for, among other things, threatening the safety of Force Commander Sanderson, and attempting to smuggle exotic animals out of Cambodia on their way home, did not receive any additional reprisals by Bulgarian authorities, either military or civilian.[76]

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[73] "UNOSOM Operation Criticised" IPN (May 8, 1995).

[74] "Cambodian Minister Criticises UNTAC Operations" IPN (Jan 11, 1995).

[75] Confidential interview, New York, Nov 8, 1994.

This negative impact does, however, pale in comparison to the good that an effective peacekeeping operation can provide. Any damage to a country's economic and social fabric caused by the peacekeepers, cannot be compared to the damage caused by continued warfare. However, these effects, when combined with other moral concerns, can worsen an already bad situation.

vii) SUMMARY

In sum, the case for the morality of UN peacekeeping operations in internal conflicts has not been made. For example, there may be demands on the UN, as the representative institution of the international community, to respond to instances of humanitarian crisis, regardless of whether caused by famine, warfare, or genocide. However, it has yet to be proven that the Security Council believes that there is a moral obligation to intervene into internal conflicts. In addition, there is no doubt that there are significant problems posed by Security Council double-standards, UN imperialism, and the detrimental effects created by the influx of peacekeepers.

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[76] Findlay: 139.

Having said that, this discussion on the moral implications of the peacekeeping operations in Cambodia, Somalia, and Bosnia has raised two additional issues. First, morality is dependent upon the type of mandate. The implementation of peace agreements is on firmer moral ground than that of humanitarian missions. This is a surprising statement, given the millions that UN peacekeepers have undoubtedly saved in Somalia, Bosnia, etc. However, there have been grave ethical concerns with each humanitarian operation. The UN waited for Somalia to become "the single worst humanitarian crisis in the world"[77] before it took action. UNPROFOR has probably lengthened the war, and unwittingly assisted the chief aggressor (the Bosnian Serbs). Meanwhile in Rwanda, the UN waited for the civil war to end before authorizing the French intervention and UNAMIR II. While the UN waited for Rwanda to meet its new criteria for involvement, 500,000 Rwandans were butchered to death.

There is also a general point about the morality of using limited UN resources in attempting to alleviate the consequences of war, without actually addressing the root causes of the war. As a former UNHCR officer stationed in Bosnia has asked: "How can one qualify as `success' our ability to cross front lines to feed the people in enclaves, besieged areas, etc, while at the same time the same people were killed under shelling, sniper fire, were raped, and terrified?"[78] UN peacekeeping forces resemble a mother who is confronted with the victimization of her son. She will fix his cuts and bruises, feed him dinner, draw a warm bath, and then send him out the next day to face his bully again. Although the mother, like the peacekeepers, is "doing something," she is also wasting precious resources on dealing with the effects of bullying, instead of the bully.

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[77] This was stated by James Kunder, director of the US Office of Disaster Assistance, on July 30, 1992. It took the UN another five months to establish UNITAF. Quoted in Chopra, et al: cha. 2, para. 39.

The second issue that emerged was that there is a linkage between morality and institutional capability. UNOSOM II would have been on stronger moral ground had it been able to have disarmed the Somalis successfully. Likewise for UNPROFOR had it prevented the Bosnian Serbs from overrunning Zepa and Srebrenica. There may be a moral imperative, as Helman and Ratner have argued, for the UN to deploy peacekeepers into failed states, but this is outweighed by the consequences of the UN, lacking the institutional capability to succeed, failing in its missions.[79]

THE INSTITUTIONAL CAPABILITY DIMENSION

The previous section raised the point that institutional capability is linked with debates on morality. Institutional capability, for the purposes here, is defined as: the extent to which the UN Secretariat[80] can effectively organize, manage, and conduct peacekeeping operations. The UN Secretariat's responsibility for peacekeeping operations was outlined in *Supplement to An Agenda for Peace*, which distinguished between three levels of authority:

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[78] Confidential interview, New York, Nov 9, 1994.

[79] This was the argument used by David Kay in his critique of Helman and Ratner's article on "Saving Failed States." Kay: 169-170.

> a) Overall political direction, which belongs to the Security Council;
> b) Executive direction and command, for which the Secretary-General is responsible;
> c) Command in the field, which is entrusted by the Secretary-General to the chief of mission (special representative or force commander/chief military observer.[81]

It is these last two levels which will be the focus of this section.

The UN Secretariat's primary role in peacekeeping is to assist the Security Council in the following areas: establishing peacekeeping operations; designing mandates; and getting states to contribute troops and equipment. However, there are three additional functions which are the primary responsibility of the UN Secretariat: ensuring the timely deployment of the peacekeeping force; establishing and maintaining command and control of the operation; and providing logistical support. In addition, the problems of training and equipment, and communication, which are inherent with any multinational operation, will also be examined to see whether they hinder the performance of the peacekeeping force.

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[80] The key UN department responsible for peacekeeping is the DPKO, but the departments of Political Affairs, Humanitarian Affairs, Administration and Management, Legal Affairs, and Public Information, are also involved. For a description of the division of labour between these departments see A/49/681: paras, 11-20.

[81] Supplement to An Agenda for Peace: para 38.

In Chapter Two, the parameters of the debate over the UN's institutional capability to intervene effectively, through peacekeeping, in internal conflicts were outlined. Proponents of UN intervention, like Durch, Blechman, and Goulding, argued that because of the UN's innate institutional character (a universal organization, with no army, and with the chief aim of achieving world peace) it is well-suited to address internal conflict. However, critics, like Mackinlay, Mandlebaum, and Ruggie assert that the UN has been unsuccessful when it conducts peacekeeping operations in internal conflicts. Moreover, this trend will continue because of the UN's incompetence in its command and control, and co-ordination of logistical support, of peacekeeping operations. This debate will be assessed by comparing the five components of institutional capability (rapid deployment of the peacekeeping force; command and control; logistical support, training and equipment, and communications) with the peacekeeping operations in Cambodia, Somalia, and Bosnia, supplemented with comments on other UN operations.

i) RAPID DEPLOYMENT OF THE PEACEKEEPING FORCE

It is the UN Secretariat's responsibility that the peacekeepers are deployed quickly to their destination. Unfortunately, it has had a mixed record in this regard, which has led to calls for it to develop a rapid reaction capability.[82] An example of a late deployment occurred in Cambodia, when UNTAC arrived eight months after the signing of the Paris Accords. The UN Secretariat was also unable to act quickly to contain the Rwandan crisis. Boutros-Ghali has asserted that the UN's failure "demonstrated graphically its extreme inadequacy" in responding with "prompt and decisive action to humanitarian crises entwined with armed conflict."[83] In Somalia, the UN Secretariat was initially unable to dispatch a fully operational peacekeeping force. UNOSOM I was created by the Security Council in April 1992, but by December 1992, it had a strength of only 564 (out of an authorized total of 3, 500). This failure led the Security Council to authorize UNITAF, because the UN Secretariat was unable to project a large force swiftly.[84] In the Bosnian case, the UN Secretariat had two luxuries which allowed it to deploy UNPROFOR quickly. First, there was the operation in Croatia, from which it could re-deploy troops. This re-deployment was used to re-open the Sarajevo Airport. Second, when UNPROFOR was officially created, with a mandate to protect humanitarian convoys, its initial troop contingent was limited to four developed countries, who arrived in Bosnia self-equipped. In addition, UNPROFOR was originally financed through voluntary contributions. This eliminated the budgetary problems, and subsequent deployment delays, that would have occurred had the operation been funded through the UN's peacekeeping budget.

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[82] See: Towards a Rapid Reaction Capability for the United Nations.

[83] S/1994/640, 31 May 1994.

[84] In 1993, the Secretary-General stated that "The Organization should be ready to field small missions within 48 hours of legislative authorization; start-up times to achieve operational self-sufficiency in general should be no more than 10 days to a month for a small mission (e.g. up to 500 personnel), 2 to 3 months for a medium-sized mission (e.g. up to 5, 000 personnel) and 4 to 5 months for a large mission (e.g. above 5, 000 personnel)." A/48/95: para 4.

The major reason for these deployment delays has been the very ad hoc manner in which peacekeeping operations are currently constructed. Although it is a very time-consuming process to plan an operation, the UN Secretariat has been unable to plan in advance. When a new operation is created, peacekeepers are given only a general implementation plan. The detailed operational planning critical to the effectiveness of any mission is done in the field after deployment.[85] Although in many cases advance planning is impossible because a crisis simply erupts, even in cases where there is prior knowledge that peacekeepers will be needed, the UN Secretariat still must scramble. For example, the UN Secretariat, despite the knowledge that the signing of the Paris Accords was imminent, did not plan for a peacekeeping operation to implement the agreement. Vital to the Paris Accords was the unprecedented level of administrative authority that the UN would undertake in Cambodia, yet both the Civilian Police Component and the Civil Administration Component suffered from insufficient planning.[86] In addition, UNTAC Force Commander Sanderson was quite shocked at the lack of planning when he arrived in New York in December 1991 (six weeks after the signing of the Paris Accords):

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[85] Conahan: 8.

[86] Doyle, UNTAC's Civil Mandate: 60.

> there were no maps of Cambodia, no Khmer-speakers, no operations room, no team of UN military advisers to brief him on the UN's plans, no one able to brief contributing countries on what to expect and what would be expected of them in Cambodia, and, perhaps most worryingly, no concept of how UNTAC's mandate might be translated into operational military terms.[87]

Significantly, the most effective aspect of UNTAC's mandate, the election, was the only unit that benefited from advance planning.[88]

Several factors can explain the inability of the UN Secretariat to plan in advance peacekeeping operations. First, the UN maintains only a small headquarters staff which prevents extensive planning for multiple operations. Second, Mackinlay argues that due to a "doctrinal void," the UN Secretariat underestimated the level of planning required for complex peacekeeping operations.[89] Third, the senior leadership are not always involved in the negotiation and planning prior to the deployment of the peacekeeping force. In Namibia, the key actors were involved throughout the peacemaking process and onto UNTAG, thus allowing them to acquire "a buildup of knowledge, a familiarity with key players, an understanding of bottom lines and the nuances of the mandate or peace agreement."[90] Nevertheless, while the UN may be able to explain its inability to deploy peacekeepers quickly, the fact remains that the delays continue. This adversely affects the UN's institutional ability to conduct peacekeeping operations in internal conflicts effectively.

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[87] Findlay: 117-118.

[88] Doyle, UNTAC's Civil Mandate: 61.

[89] Mackinlay, "Military Responses to Emergencies:" 54-57.

[90] Quoted in Findlay: 118-119.

ii) COMMAND AND CONTROL

It is the responsibility of the UN Secretariat to establish and maintain command and control of peacekeeping operations. Maintaining unity of command is especially important in operations dispatched to internal conflicts. This is due to the dangerous environment that exists in the target state, and the multicomponent mandate that the peacekeepers must perform. However, there are three cleavages which have hindered the UN Secretariat's unity of command: 1) the military and civilian sides of the UN Secretariat; 2) between New York and the field; and 3) between national contingents.

There is a dual chain of command for UN peacekeeping operations consisting of military and civilian elements. This division can create problems at the time of operational conception. Military personnel have commented that "mandates are often written in an operational vacuum by civilians who may not fully appreciate the military implications of undertakings made with immediate diplomatic and political considerations in mind."[91] The lack of a formal coordination between the military and civilian elements has also been problematic. For example, UNTAC, with the exception of coordinating electoral security, lacked a joint military-civilian coordination unit.[92] The absence of such a mechanism has since led former UNTAC Force Commander Sanderson to suggest the creation of a "corporate, strategic and sentient alliance between the military and the civilian components that can plan an operation right through from beginning to end."[93] The dual command structure also effects the Force Commander's ability to maintain command and control in the field. Durch has noted that because the Force Commander does not control spending decisions it places "an administrative straightjacket on operations that face a difficult or changing field situation."[94]

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[91] Alex Gilksman and Anthony Fainberg, "Introduction and Summary" in U.S. Congress, Office of Technology Assessment, Improving the Prospects for Future International Peace Operations --- Workshop Proceedings (Washington, 1995): 5.

This military/civilian dichotomy also affects the UN Secretariat's peacemaking efforts which accompany peacekeeping operations in internal conflicts. Touval has observed that

> this tortuous decision-making process saps the United Nations of necessary dynamism and flexibility in pursuing mediation. Once the United Nations agrees on a mediating proposal or framework, it cannot easily be modified in response to changing circumstances. Modification requires renegotiation among U.N. members, an often lengthy process that delays mediation.[95]

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[92] Conahan: 17.

[93] "Swifter Strategic Acts in Peacekeeping Needed" IPN (Dec 1994).

[94] Durch, "Planning and Implementation:" 65.

[95] Saadia Touval, "Why the U.N. Fails" Foreign Affairs 73/5 (Sept/Oct 1994): 53.

To resolve this division between military affairs and political affairs at the UN Secretariat, Mackinlay has suggested that "the demands of larger, more sophisticated peace-support forces require an additional level of command in New York. Day-to-day political changes in the situation between involved nations at the strategic level need to be reconciled with operational continuity on the ground." Therefore, "a political/military buffer is needed in New York to separate and, if necessary, translate raw, sometimes highly politicised statements generated by international debate from operational policy."[96]

The second cleavage that can impair the UN Secretariat's unity of command is between New York and the field. Distrust of UN headquarters by the peacekeepers in the field was reflected in the famous comment by former UNPROFOR Commander Mackenzie that "if you are a commander of a UN mission, don't get in trouble after five p.m. or on the weekend. There is no one in the UN to answer the phone!"[97] Further illustrating a lack of communication between the headquarters and the field occurred over an apparent flip-flop over UNPROFOR's rules of engagement. On May 13, 1995, UNPROFOR was told to "shoot to kill,"[98] but three days later this decision was reversed when UNPROFOR was told to avoid clashes.[99] Having rules of engagement which were seemingly changed daily by officials in

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[96] Mackinlay, "Improving Multifunctional Forces:" 161.

[97] Mackenzie: 330.

[98] The Globe and Mail (May 13, 1995): A1, A10.

[99] The Globe and Mail (May 16, 1995): A10.

New York led to incidents like French Lieutenant-Colonel Jean-Paul Michel ordering his troops, which were under fire, "to refrain from firing back but not to surrender."[100]

An even more tragic example of confusion between New York and the field occurred in Rwanda. In April 1994, ten Belgian members of UNAMIR I were surrounded by hundreds of Rwandans who had just butchered the Rwandan Prime Minister Agathe Uwilingiyimana and her staff. The leader of the Belgian platoon contacted the UN Secretariat, and after informing the official that the Rwandans were only armed with sticks and machetes, was told that his men should lay down their weapons and negotiate with the Rwandans. The Belgian commander did as ordered, and he and his men were promptly murdered. In reaction, Belgium recalled its battalion from UNAMIR I. The withdrawal of the Belgians, who were the linchpin of UNAMIR I, meant that UNAMIR I also had to leave Rwanda. As a US State Department Official noted, "you can't overstate the impact on our policy process of the Belgians leaving. People were saying, `How can we get in, if it is so bad the Belgians have to leave?"[101] In the aftermath, with hundreds of thousands of Rwandans dead, critics have charged that an early show of force by UNAMIR I, which was better equipped than the Rwandans, could have eliminated much of the bloodshed.[102] This incident, which occurred because officials at UN headquarters were giving orders to peacekeepers with little knowledge of the situation on the ground, must be considered one of the most shameful events in UN history.

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[100] The Globe and Mail (May 31, 1995): A6.

[101] Africa Report (Nov/Dec 1994): 18.

[102] See: Canadian Broadcasting Corporation, "Rwanda: Autopsy of a Genocide" Prime Time Magazine (Nov 28, 1994); Major-General Romeo Delaire and Captain Bruce Poulin, "Rwanda: From Peace Agreement to

Even in more effective operations there have been disputes between the peacekeepers in the field and UN officials in New York. For instance, in Cambodia the UN Secretariat/UNTAC relationship was, as Doyle has observed, a "dialogue of the deaf."[103] Clearly, the lack of better communication between UN headquarters and the field has hindered the effectiveness of peacekeeping operations.

The third obstacle to the UN Secretariat's command and control of peacekeeping operations are the national contingents. Since the troops used in peacekeeping operations are essentially, "on loan" from national governments, the UN is well aware of potential command and control problems. It is common for national contingents to maintain constant communications with their home governments. This communication becomes enhanced when the situation becomes more dangerous, as contingents delay obeying orders from the UN Force Commander because it must be okayed with their home governments. As Mackinlay has noted, "the reluctance of countries to delegate authority over their national contingents rises in direct proportion to the threat."[104]

Genocide" Canadian Defence Quarterly 24/3 (Spring 1995): 7-11; and Oxfam, "Rwanda: An Agenda for International Action" cited in "Radical Reform of UN Peacekeeping Urged" IPN (Nov 1994).

[103] Doyle, UNTAC's Civil Mandate: 60.

[104] Mackinlay, "Improving Multifunctional Forces:" 161.

Nevertheless, the UN has had some difficulty in maintaining command and control of its peacekeeping operations in internal conflicts. In Somalia, the UN ceded command and control to the US for UNITAF. Although, the UN Secretariat was given oversight responsibilities for UNITAF, its impact was minimal. This was most obvious during the debate between New York and Washington over whether UNITAF would disarm the Somalis. However, even after UNOSOM II arrived the UN Secretariat was unable to establish and maintain command and control of the operation. As a result of freelance Americans participating in UNOSOM II, several of the other contingents (notably Italy) began to take orders from their home governments rather than the military commander of UNOSOM II. As Chapter Five demonstrated, this breakdown in UN command led to the war with Aidid, which effectively destroyed the UN's credibility in Somalia.

Similarly in Bosnia, where the danger to UNPROFOR was as great, if not greater, than that which UNOSOM II faced, there were significant gaps in the UN's maintenance of command and control. The "dual-key" system that was incorporated for UN/NATO cooperation allowed the UN to maintain ultimate executive control of the operation in Bosnia. NATO may have grumbled about the restrictions, but they did not unilaterally violate them. Although the UN Secretariat, under order from Security Council members, eventually granted their air strikes veto to the Force Commander, it still remained formally in UN hands.[105] This arrangement was concluded because the Force Commander (from Britain) and the Deputy Commander (from France) were taking their orders from home rather than the UN Secretariat. This meant that UNPROFOR's unity of command existed only on paper. In addition, there were many instances where command and control broke down. For example, during the fall of Srebrenica the Dutch battalion initially requested NATO air support, but were turned down. When NATO finally resorted to force at Srebrenica, it was the Dutch, due to an ultimatum from the Bosnian Serbs, who had to request that NATO stop air strikes. Just as in Somalia, the more force that is used the weaker the unity of command becomes.

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[105] NATO, Press Release 95/23 (Aug 10, 1995).

In sum, there are significant problems with the UN's ability to establish and maintain command and control of its peacekeeping operations. While command and control issues appear in all multinational missions, they are more apparent during peacekeeping operations. As the cases highlighted, these deficiencies became more pronounced in operations where force was used. Most contributing states would agree with Picco's conclusion that "the institution of the Secretary-General is inherently inappropriate to manage the use of force."[106] In addition, the use of "two-tiered" support forces, which was supposed to have alleviated some of the command and control problems, actually made them worse. Thus, the UN's institutional capability to conduct peacekeeping operations in internal conflicts is impaired by the lack of an effective command and control structure.

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[106] Picco: 15.

iii) LOGISTICAL SUPPORT

The UN Secretariat must co-ordinate adequate logistical support for peacekeeping operations. Its capability in this area has frequently been criticized. For example, former UNPROFOR Commander Mackenzie asserted that "the UN is currently incapable of providing adequate logistics support to its various missions around the world."[107] This was supported by Mackinlay, who remarked that "the UN has shown a long-standing lack of operational awareness of its institutional failure to understand that logistics, including financial control, at the operational level are a support function."[108]

Several factors have been identified which have impaired the UN's logistical capability: recruiting sufficient numbers of logistical specialists, problems in integrating civilian and military logistical units in the field, and the UN procurement process.[109] In December 1993, the United States General Accounting Office (GAO), in an external evaluation of the UN's logistical capability, stated that the UN lacked the ability to support an operation of the size and scope of UNTAC.[110] A year and a half later, the UN's Internal Oversight Service reported that many of the shortcomings cited by the GAO had yet to be resolved.[111]

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[107] Mackenzie: 331.

[108] Mackinlay, "Improving Multifunctional Forces:" 161.

[109] Conahan: 13-15.

[110] United States, General Accounting Office, United Nations Peace-keeping: Lessons Learned in Managing Recent Missions (December 1993).

The UN Secretariat has attempted to correct some of its organizational lapses. Some of these improvements include: the existence of manuals and guidelines for the military component of peacekeeping operations; the creation of a 24-hour military situation room; the development of a "lessons learned" mechanism inside of the DPKO; the formation of a Humanitarian Early Warning System; and the establishment of a Peace-keeping Reserve Fund.[112] Despite these internal reforms, the UN Secretariat will continue to be plagued by organizational incompetence unless its resources are increased. In particular, the UN requires a firmer financial commitment from member states if it is to perform as its members expect it to. However, this seems unlikely to happen in the near future, and therefore, the UN's institutional capability to effectively conduct peacekeeping operations in internal conflicts will continue to be handicapped.

iv) TRAINING AND EQUIPMENT

In addition to the organizational responsibilities of the UN Secretariat, the role of the peacekeeping force is an important component in assessing the UN's institutional capability. One aspect of the peacekeeping force that needs to be examined is their training and equipment. The level of training has become a cause of concern because it greatly varies amongst national contingents. Western contingents are better trained and equipped than contingents from poorer countries. This has become a concern for the UN because poorer countries are now equal contributors to peacekeeping operations. This fact is demonstrated by Table 8.1, which compares the level of troop contributions with wealth and Table 8.2, which lists the top ten contributing states to UN peacekeeping operations.

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[111] United Nations, Internal Oversight Services, Final report on the in-depth evaluation of peace-keeping operations: start-up phase (UN Doc. E/ AC.51/1995/2, 17 March 1995): para 77.

[112] For more information on the UN's peacekeeping reforms see the Final report on the in-depth evaluation of peace-keeping operations.

TABLE 8.1

PEACEKEEPING ASSESSMENTS AND TROOP CONTRIBUTIONS

Category A (P-5)	14,635
Category B (Developed)	17,863
Category C (Wealthier Developing)	24,499
Category D (Poorest)	7,241

SOURCE: Peacekeeping & International Relations (May/June 1995): 12-13.

TABLE 8.2

CONTRIBUTING STATES TO UN PEACEKEEPING OPERATIONS

France	5,121
Britain	4,629
Pakistan	3,986
Jordan	3,703
United States	3,358
Bangladesh	3,352
Canada	3,033
Nepal	2,077
Poland	2,042
Netherlands	1,926

SOURCE: Peacekeeping & International Relations (May/June 1995): 12-13.

This reliance on Third World peacekeepers developed for several reasons. First, the UN has a principle of "geographic distribution" in peacekeeping operations. Second, since the UN desires regional involvement in peacekeeping, and most conflicts occur in the developing world, it is only natural that the operations would be dominated by developing countries. Third, many developing countries use UN peacekeeping operations to pay their troops. This is because the UN pays for the use of troops, and the rate is higher than poor countries normally pay their troops, so the government can pocket the balance. In more extreme cases, the only way that many states can even pay their soldiers is by having them serve with UN peacekeeping operations. Finally, developing states have discovered that providing ground troops for peacekeeping operations is an easy way to contribute to the maintenance of international peace and security.

This shift in troop contributors, while an improvement over forces which were "too small, too white, and too Western,"[113] has created problems. Poorer countries depend upon wealthier states to provide transportation, logistical support, and equipment. This can delay their arrival to the conflict, and contributes to the UN's problem with deployment delays. Further, more experienced peacekeepers have argued that the expansion in the number of contributing countries results in troops which "are poorly trained and lacking in equipment. This weakens peacekeeping as a whole."[114]

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[113] Durch, "Planning and Implementation:" 72.

It is possible that the problem of equipment standards could be averted if developed countries were to supply equipment to participating developing countries. However, there would still be a problem over whether the equipment was user-friendly. Providing uniforms and light arms is one thing, but equipment such as communication devices and armoured personnel carriers requires a degree of training. A poorly trained army will not be able to utilize effectively the equipment that it has been given.

The lack of standardized training has even led to problems between Western contingents. For instance, the Canadian military has always argued that "the tools of soldiering are the tools of peacekeeping...training them for war trains them for peace."[115] Meanwhile Scandinavian countries utilize special peacekeeping training. This difference in approach has created rifts with other peacekeepers. One Canadian officer has asserted that Swedish peacekeepers are good at observation, but "when the shooting starts, they bail out."[116]

However, the major problem is the lack of proper training of some contingents. For example, the US discovered in Somalia that

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[114] Confidential interview, experienced Canadian peacekeeper, New York, Nov 16, 1994.

[115] Quoted in Canada, Senate, Meeting New Challenges: Canada's Response to a New Generation of Peacekeeping (Feb 1993): 71.

[116] Confidential interview, experienced Canadian peacekeeper, Edmonton, Sept 25, 1993.

> foreign units operating with US units were often not trained to the same standard: US commanders would hand foreign officers a set of maps and overlays and assume that they could understand the operations plan. This was not the case, and it was often necessary to go over the plan in detail with the liaison officer.[117]

The level of training and military discipline of African and Asian troops also concerns the parties to the conflict. A senior Croatian Foreign Ministry official said that Croats "want as many European troops as possible because they have more clout and respect from the Serb side than Kenyans and Nepalese."[118] As a result of these problems, James Smith has recommended that peacekeeping forces need to be given "additional training in such skills as conflict resolution and negotiation if they are to function effectively, and that UN troops need to be trained in similar ways, on the same equipment, and develop the same professional standards."[119]

It has become obvious that the importance of peacekeeper training and equipment has been heightened by their involvement in internal conflicts. When peacekeepers patrolled buffer zones, their level of competence did not need to be great. However, delivering humanitarian aid, conducting elections, training civilian police are all demanding tasks which require a better prepared peacekeeping force. The UN's dilemma is that as the overall demand for peacekeepers has forced them to recruit troops from non-traditional contributors, the operational demands placed on the peacekeepers now require better trained and equipped troops. As Durch has commented, an inadequate peacekeeping force can "reduce the confidence of local parties in the UN's ability to sustain a peace or rebuild a society."[120]

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[117] "Lessons Learned in Somalia" IPN (May 1995).

[118] "Ukraine Criticises Exclusive UNCRO" IPN (April 1995).

[119] James Smith, "Peacekeeping in the Former Yugoslavia: The View from the Ground" cited in "Peacekeeping in Croatia" IPN (Dec 1994).

v) COMMUNICATION

The final aspect of the UN's institutional capability is peacekeeper communication. The primary aspect of communication in peacekeeping operations is language. As Dutch General Johan Kosters has emphasized, "peacekeeping is all about talking."[121] Language differences have two major impacts on the performance of the peacekeeping force. First, it effects communication between the different national contingents in the peacekeeping force. The working language of peacekeeping operations is English, yet many national contingents cannot communicate in it. In internal conflicts, which tend to be more dangerous, with peacekeepers widely dispersed, the ability of contingents to communicate with each other is crucial.

Language differences also affect the ability of peacekeepers to communicate with members of the target state, the parties to the conflict as well as the country's civilians. The more the peacekeeper's mandate includes civilian responsibilities the more critical the ability to communicate becomes. UNAVEM III's

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[120] Durch, "Planning and Implementation:" 66.

[121] "Third Partnership for Peace Exercise" IPN (Nov 1994).

Civilian Police Sub-Commander noted that he had "only 16 Portuguese-speaking Brazilian officers and another five from Guinea-Bissau. But for the most part my men are native English-speakers and completely inept at communicating with local police and civilians in Angola."[122] The UN's institutional capability has been hindered by its inability to recruit more language specialists for its peacekeeping operations in internal conflicts. Recruitment is not always going to be an easy process, e.g., when the language is Khmer; nevertheless, until this issue is resolved, the UN's ability to perform peacekeeping operations effectively in internal conflicts will continue to be diminished.

Beyond better recruitment, there are additional ways that the UN can handle these language problems through the increased use of liaison officers and bilingual radio controllers in its peacekeeping operations. The further development of "automated language translators" would also be a major advance.[123] These improvements are necessary because many aspects of the UN's institutional capability are tied to language. For example, command and control is dependent upon communication, and communication is dependent upon language.

vi) SUMMARY

In sum, the UN does not currently have the institutional capability to conduct peacekeeping operations in internal conflicts effectively. The UN Secretariat has been unable to deploy its peacekeeping operations quickly. Once on the ground, peacekeeping operations have lacked both a tight command and control structure and a smooth logistical system. These last two deficiencies have been more pronounced with operations which used force. The gaps that exist between the training and equipment of different national contingents, particularly between developed and developing states, have also hindered the UN's institutional capability, as have communication breakdowns created by language incompatibility.

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[122] "UNAVEM Communication Problems" IPN (Summer 1995).

[123] Gilksman and Fainberg: 19.

The criticism of the UN's institutional capability applies to all peacekeeping operations, regardless of whether they have been involved in interstate or intrastate conflicts. However, it has been argued that peacekeeping in internal conflicts is more difficult than in external conflicts. This means that while it may have been possible for the UN to overcome these inherent deficiencies during traditional peacekeeping operations, it has not been as effective in internal conflicts. Moreover, there are certain types of operations, those which violate the traditional peacekeeping principles of consent, impartiality, and limited use of force, which showcase the UN's inadequacies.

CHAPTER NINE

CONCLUSION

The objective of this dissertation was to determine the implications of legal, moral, and institutional arguments concerning UN peacekeeping operations in internal conflicts. To accomplish this objective, this dissertation was structured into three parts. Part One, comprised of Chapters 1-3, introduced the problem, defined the basic terms, conducted a literature review, and set out the parameters for the study. This was followed in Part Two, which completed case studies of the peacekeeping operations in Cambodia, Somalia, and Bosnia. In each case, a description of the operation, an assessment of the level of effectiveness, and an explanation of the results, was completed. This provided not only a specific analysis of the operation in question, but a rich source of empirical data which would be used in the concluding section of the study.

Part Three ended the study by providing two distinct concluding chapters. Chapter 7 addressed the policy side of UN peacekeeping by offering a general explanation of operational effectiveness for UN peacekeeping operations in internal conflicts. It argued that an effective operation requires six conditions: the consent and co-operation of the parties to the conflict; the existence of a CSA; P-5 support; US support; regional power support; and adherence to the traditional principles of peacekeeping.

In Chapter 8, the legal, moral, and institutional arguments, which had been outlined in Chapter 2, were analyzed in a more comprehensive fashion utilizing the evidence compiled from the cases. It concluded that the legal door has now been opened for the UN to conduct more intrusive peacekeeping operations in internal conflicts. Since 1988, the Security Council has begun to interpret the UN Charter more liberally. One visible sign of this change has been the recent reliance on Chapter VII measures. Moreover, even in operations which did not refer to Chapter VII, peacekeepers were now being assigned tasks which had previously remained entirely in the domestic sphere of states. However, there has not been a complete overhaul of the concept of sovereignty. The locale for the more intrusive peacekeeping operations will be in places where there has been a virtual destruction of all governmental institutions. In other words, only those countries which can be easily defined as failed states will be subject to forceful, or intrusive, peacekeeping operations.

On the moral side, the case has yet to be made that peacekeeping in internal conflicts is a moral activity. This is not to say that it is always immoral, but rather that the UN's objectives or results may be morally ambiguous. One example, out of many, is that the UN will likely be forced to deal with tyrants who deserve to be languishing in prison, instead of sitting at the negotiating table. It is difficult, though not impossible, for the UN to argue the morality of treating the Khmer Rouge, the USC/SNA, and the Bosnian Serbs as equal parties to the conflict.

The issue of the protection and/or distribution of humanitarian aid was also rife with moral ambiguity. In Somalia, lives were definitely saved in the short-term by the UN intervention. However, by failing to change the underlying conditions that existed in the country, Somalia reverted back to civil war and the death rate has risen once again. In Bosnia, the protection of humanitarian aid probably prolonged the war and led to a peace, at least in the eyes of many Muslims, which is unjust. It was during this section that the argument was put forward that the UN's institutional capability to implement the objectives of the operation effected the morality of the operation. The objectives of the operation may be moral, but if it is poorly implemented it can have immoral side effects.

The dilemma of choosing peacekeeping operations also illustrated the moral ambiguity of internal conflict peacekeeping. Deciding who should benefit from peacekeeping, and who should not, has been fraught with moral difficulties. In effect, the Security Council was choosing whose lives may be saved, and whose lives would not. It was asserted that a possible solution to this dilemma would be through the use of triage. The Security Council could base their decision to establish peacekeeping operations on the likelihood of an effective operation.

The final component of this study was an assessment of the UN's institutional capability. This was an important consideration because while it may be legal to establish peacekeeping operations in internal conflicts, it may not be feasible. In addition, the morality of an operation can be dependent upon the ability to implement the operational objectives. This study has determined that the institutional weakness of the UN provides a persuasive counter for demands for increased UN peacekeeping in internal conflicts. Despite advances in operational control, logistical support, and training, the UN has been largely unable to match the special demands created by internal conflicts. Peacekeepers can play a unique and useful role in many types of missions, but in others, it will only have little or no impact. In more extreme cases, the peacekeeping operation may even have a negative effect on the conflict. As a result, unless the parties to the conflict are willing to try to resolve their conflict, preferably by adhering to a CSA, and the great and regional powers are prepared to assist the peacekeeper's efforts, the Security Council should not authorize a peacekeeping operation. Reference to the conditions for an effective peacekeeping operation in an internal conflict that were contained in Chapter Seven might be useful for the Security Council's decision-making.

In sum, UNTAC, UNOSOM II, and UNPROFOR, as well as other peacekeeping operations in internal conflicts, have greatly influenced the debate over state sovereignty and intervention. This has resulted in substantial implications for the legal, moral, and institutional arguments which have formed the basis of this debate. The experience of these recent peacekeeping operations has clarified some aspects of the debate, but others remain contested. This study has found that legal precedents are more permissive for the UN to intervene in internal conflicts. This change in legal status refers not just to the establishment of peacekeeping operations, but to the types of mandates that the peacekeepers have been asked to implement. When it comes to the moral debate, recent peacekeeping operations, particularly the ones in Somalia and Bosnia, have shown that there are no moral absolutes when it comes to UN intervention in internal conflicts. There is too much ambiguity to provide a definitive answer regarding the morality of UN intervention. Part of this confusion stems from the linkage between morality and institutional capability. Notwithstanding the operational objectives, ineffectual peacekeepers may result in immoral consequences. Finally, recent peacekeeping operations have shown that the UN lacks the institutional capability to intervene effectively in most types of internal conflicts. UNOSOM II and UNPROFOR, in particular, illustrated the institutional deficiencies that exist in peacekeeping in internal conflicts. On the other hand, UNTAC showed how an operation can work around these, mostly inherent, institutional weaknesses and still be effective. As Chapter Seven explained, peacekeeping can play a useful role when the parties to the conflict are committed to ending their conflict, but when this condition is absent, the UN simply lacks the institutional capability to force the combatants to accept a peaceful solution to their dispute. This analysis of the peacekeeping operations in Cambodia, Somalia, and Bosnia has shown that UN intervention in internal conflicts is legally justified, morally ambiguous, and lacking in institutional capability.

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APPENDIX A

UNITED NATIONS PEACEKEEPING OPERATIONS, 1945-1987

OPERATION	MANDATE	CONFLICT
UN Truce Supervision Organization (UNTSO) 1948-	Monitor cease-fires along Israeli borders.	External
UN Military Observer Group in India and Pakistan (UNMOGIP) 1949-	Monitor cease-fire in Jammu and Kashmir.	External
UN Emergency Force I (UNEF I) 1956-67	Monitor withdrawal of British, French, and Israeli forces from the Sinai.	External
UN Observation Group in Lebanon (UNOGIL) 1958	Monitor infiltration of arms and troops into Lebanon.	External
UN Operation in the Congo (ONUC) 1960-64	Restore civil order.	Internal
UN Security Force in West Guinea (UNSF) 1962-63	Keep order and administer West New Guinea pending transfer to Indonesia.	Internal
UN Yemen Observation Mission (UNYOM) 1963-64	Observe cessation of Saudi Arabian support and withdrawal of Egyptian forces.	External
UN Force in Cyprus (UNFICYP) 1964-	Maintain order; after 1974 monitor buffer zone.	Internal
Mission of the Representative of the Secretary-General in the Dominican Republic (DOMREP) 1965-66	Monitor Cease-fire	Internal
UN India Pakistan Observer Mission (UNIPOM) 1965-66	Monitor cease-fire.	External
UN Emergency Force II (UNEF II) 1974-79	Separate Egyption and Israeli forces in Sinai.	External

OPERATION	MANDATE	CONFLICT
UN Disengagement Observer Force (UNDOF) 1974-	Monitor separation of Syrian, Egyptian, and Israeli forces on Golan Heights.	External
UN Interim Force in Lebanon (UNIFIL) 1978-	Establish buffer zone between Israel and Lebanon	External

APPENDIX B

UNITED NATIONS PEACEKEEPING OPERATIONS, 1988-1996

OPERATION	MANDATE	CONFLICT
UN Good Offices Mission in Afghanistan and Pakistan (UNGOMAP) 1988-90	Monitor Soviet withdrawal from Afghanistan.	External
UN Iran-Iraq Military Observer Group (UNIIMOG) 1988-91	Monitor cease-fire	External
UN Angola Verification Mission I (UNAVEM I) 1989-91	Monitor Cuban pullout from Angola.	External
UN Iraq-Kuwait Observation Mission (UNIKOM) 1991-	Monitor buffer zone after the Gulf War.	External
UN Transition Assistance Group (UNTAG) 1989-90	Supervise transition of Namibia from South African rule to independence.	Internal
UN Observer Group in Central America (ONUCA) 1989-92	Monitor compliance with Esquipulas II agreement; demobilize Nicaraguan contras.	Internal
UN Angola Verification Mission II (UNAVEM II) 1991-95	Monitor general cease-fire and creation of new joint army.	Internal
UN Observer Mission in El Salvador (ONUSAL) 1991-95	Monitor human rights, elections, government restructuring.	Internal
UN Mission for the Referendum in Western Sahara (MINURSO) 1991-	Conduct referendum on independence from Morocco.	Internal
UN Advance Mission in Cambodia (UNAMIC) 1991-1992	Implement the Paris Accords by supervising government functions, disarming the factions, and conducting elections.	Internal

UN Transitional Authority in Cambodia (UNTAC) 1992-93	Implement the Paris Accords by supervising government functions, disarming the factions, and conducting elections.	Internal
UN Confidence Restoration Operation in Croatia (UNCRO) 1992-	Replace Yugoslav forces in Serbian-controlled areas of Croatia.	Internal
UN Operation in Somalia I (UNOSOM I) 1992-93	Security for humanitarian shipments to victims of civil war.	Internal
UN Protection Force in Yugoslavia (UNPROFOR) 1992-	Security for humanitarian shipments to victims of the civil war in Bosnia-Herzegovina.	Internal
UN Preventive Deployment in The Former Yugoslav Republic of Macedonia (UNPREDEP) 1992-	To prevent the war in the former Yugoslavia from spreading to Macedonia.	External
UN Operation in Mozambique (ONUMOZ) 1992-94	Implement the General Peace Agreement.	Internal
UN Operation in Somalia II (UNOSOM II) 1993-95	Security for humanitarian shipments to victims of civil war.	Internal
UN Observer Mission Uganda-Rwanda (UNOMUR) 1993-94	Monitor cease-fire and elections. Enforced by the Organization of African Unity (OAU).	External
UN Observer Mission in Georgia (UNOMIG) 1993-	Maintain buffer zone and monitor the cease-fire between Georgian and Abkhazia forces. Enforced by the Commonwealth of Independent States (CIS).	Internal

UN Mission in Haiti (UNMIH I) 1993-94	Implement the Governors Island Agreement.	Internal
UN Observer Mission in Liberia (UNOMIL) 1993-	Monitor the implementation of the Cotonou Peace Agreement. Enforced by the Economic Community of West African States (ECOWS).	Internal
UN Assistance Mission for Rwanda (UNAMIR I) 1993-94	Implement the Arusha Peace Agreement.	Internal
UN Assistance Mission for Rwanda (UNAMIR II) 1994-	Provide security for civilians and humanitarian operations.	Internal
UN Mission in Haiti (UNMIH II) 1994-	Implement the Governors Island Agreement.	Internal
UN Aouzou Strip Observer Group (UNASOG) 1994	Monitor Libyan Withdrawal from Chad.	External
UN Military Observer Mission in Tajikistan (UNMOT) 1994-	Monitor cease-fire. Enforced by the Commonwealth of Independent States (CIS).	Internal
UN Angola Verification Mission III (UNAVEM III) 1995-	Implement the Lusaka Protocol.	Internal
UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) 1996-	Supervise demilitarization of Croatian and local Serbian forces.	Internal
UN Mission of Observers in Prevlaka (UNMOP) 1996-	Monitor the demilitarization of the Prevlaka peninsula.	Internal
UN Support Mission in Haiti (UNSMIH) 1996-	Assist with the training of the Haitian National Police.	Internal